

1897-025
Lee Co.

Chancery Causes: Dominion National Bank] vs. John P. Reasor &c
Exr. of Charles L. Jones vs. John P. Reasor &c

Ward, Wampler, Flora, Harris, Slomp, Irvine, Mills, Fulton,
Stone, Jones

-Deed

CA-Debt
T-Property

Will: 1895 : Charles L. Jones : Tennessee

To The Hon. W.T. Miller, Judge of the Circuit Court of Lee County:-

Your orator, the Dominion National Bank of Bristol, Virginia, a corporation organized and existing under the laws of the state of Virginia, humbly complaining, shows unto Your Honor that on the 28th day of August 1894 in the corporation court of the city of Bristol, Virginia, it obtained a judgement for \$500.00 with lawful interest from December 11th 1892 against J.B.F. Mills, W.W. James, W.E. Harris, C. Slomp and Charles L. James together with the costs of suit, \$13.13. This judgement was obtained for money loaned by your orator to the said J.B.F. Mills on a note which waived the homestead exemption. The other parties defendant above named were surities of said Mills on said note. Your orator immediately had an abstract of its said judgement sent to the county of Lee and it was there docketed, as required by law, on August 30th 1894 in Judgement Lien Docket 4, page 70, a certified copy of which abstract from the Lee County records is herewith filed marked Exhibit 1, which is prayed to be treated as a part of this bill.

On November 7th 1895 your orator received on said note the sum of \$250.62-1/2, which was paid by W.W. James, executor of the last will and testament of Charles L. James, who had died between said date and the date of the rendition of said judgement leaving a will whereby the said W.W. James was named and appointed as the executor of his said will, to which said office the said W.W. James had been duly qualified by the said corporation court of the city of Bristol, Virginia, and in which said office he is still acting.

Your orator alleges that no other or further payment has

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ever been made to it on its said judgement, but that the balance thereof is still unpaid, due and payable to it. Your orator alleges that by reason of the docketing of its said judgement in Lee County as aforesaid it acquired a lien on certain real estate situated in the county of Lee standing in the name of J.B.F. Mills, the principal debtor in the said judgement; to-wit three separate tracts or parcels of land, as will be set out specifically below. All these tracts of land had been sold and conveyed by the said Mills prior to the date of the docketing of said judgement, but the vendees thereof had failed to record their deeds, and your orator is advised that by reason of this failure and neglect on their part the said deeds are void as to your orator's said judgement and ^{it} ~~he~~ has a right to enforce the lien of ^{its} ~~his~~ judgement against said real estate or enough thereof to satisfy the same.

The lands referred to are as follows:-

(1) A tract of land on the south side of Stockers Knob, being the remainder of a tract of land deeded to J.B.F. Mills by D.Z. Parsons, except about 14 acres which had been previously deeded by said Mills to Franklin Willis and William Flora, there remaining in said tract about 50 or 60 acres. This tract of land was conveyed by J.B.F. Mills and wife to J.P. Reason for the consideration of \$250.00 by deed dated February 12th 1894, which deed was recorded October 7th 1895 in Lee County D.B. 32, page 118, a certified copy whereof is herewith filed marked Exhibit No. 2, and is prayed to be treated as a part of this bill.

(2) A tract of land adjacent to the above described boundary and adjoining the piece previously sold by J.B.F. Mills

to William Flora containing 6 acres, more or less, by metes and bounds, which tract was conveyed by J.B.F.Mills and wife to William Flora in consideration of \$100.00 by deed dated November 13th 1892 and recorded August 17th 1895 in Lee County D.B. 31, page 564, a certified copy of which is herewith filed marked Exhibit 2, and is prayed to be treated as a part of this bill. There was a lien retained in this deed to secure the payment of \$50.00 in 8 months from its date, which your orator is informed, believes, and therefore charges has been fully paid. There was no lien retained to secure any sum in the first above named deed.

(3) A tract of land in the county of Lee which was deeded to J.B.F.Mills by A.W.Harris and wife (D.B. 23, page 94) containing in all 343 acres, but out of which was excepted 130 acres theretofore sold to James McNeeley, and also excepting 1 acre sold to trustees for school property, and also a tract of 1-1/2 acres deeded to the said Harris by one Elijah Turner. This land was conveyed by J.B.F.Mills and wife to S.L.Wampler in consideration of \$2600.00 by deed dated July 27th 1891 and recorded July 15th 1895 in Lee County D.B. 31, page 443, a certified copy of which is herewith filed marked Exhibit No. 4, which is prayed to be treated as a part of this bill. A lien was retained in this deed to secure certain sums of purchase money, which sums your orator is informed, believes, and therefore charges have been fully paid.

Your orator is informed, believes, and therefore charges that the said William Flora has sold and conveyed the above mentioned 6 acres referred to in Exhibit No. 3 to one Nancy C. Ward who still owns it, but the deed therefor has not been re-

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corded, if made, and no contract in writing in regard thereto has been recorded. Your orator states and charges that the above named tracts of land are now owned respectively by the said J.P.Reasor, Nancy C. Ward and S.L.Wampler and that there are no other liens upon or affecting ~~xxxxxxxxxx~~ any of said tracts except the lien of your orator's judgement, and also that the said Mills did not own in his own name at the time of the docketing of your orator's judgement, and did not afterwards acquire, any other realestate in the county of Lee, and that the realestate above set out is all the realestate in said county which ~~xxxx~~ stood in the name of the said Mills that is affected by the lien of your orator's said judgement.

Your orator would now show that the said J.B.F.Mills departed this life intestate on the ^{12th} ~~30th~~ day of January 1895 and one R.T.Irvine has qualified as administrator of his estate in the County Court of Washington County, Virginia, where the said Mills resided at the time of his death. Your orator is informed, believes, and therefore charges that the estate of said Mills is totally insolvent, that the said Mills owned some small interests in realestate in the county of Wise which were incumbered at the time of his death for many times the value thereof, that numerous judgements were acquired against the said Mills and duly docketed in the Judgement Lien Dockets of Wise County, but that none of said judgements were ever docketed in the county of Lee with the exception of one judgement in favor of G.W.Young, which judgement has long since been paid off and discharged.

Your orator is advised, therefore, that it ~~is~~ ^{has} the right in equity to proceed to foreclose the lien of its judgement on the

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tracts of land above mentioned situated in the county of Lee, that it will not be compelled in order to so foreclose its lien to await the winding up by the creditors by law of the affairs of the said Mills, deceased, but that, since the lien of its judgement affects both the lands above enumerated in Lee County and all other real estate of which the said Mills died seased in the state of Virginia, your orator has a lien on two funds, whereas the other judgement creditors and incumbrancers of the said Mills have no lien on the said Lee County fund. Your orator would be required in any event to resort to the said Lee County fund for the satisfaction of its said judgement, since the other fund is not sufficient to satisfy those whose incumbrances and claims ~~are right~~^{rank} ahead of your orator's. Your ~~or~~ orator would here again state and charge that the incumbrances existing on the Wise County lands of which the said Mills died seased antedate those of your orator and are vastly more in amount than the real estate of which said Mills so died seased is worth or can be sold for.

Your orator is advised that the lands hereinbefore enumerated, if subjected by Your Honor to the lien of its said judgement, will be subjected in the inverse order of its alienation by the said Mills, which is the order set out above by Your orator herein; and your orator states and charges that ^{neither} ~~that~~ ^{rank} the first tract nor the first and second tracts together would rent for enough in five years to pay off and discharge the amount here sued for. Your orator supposes if, on a sale of said first tract or said first and second tracts together, there should still be a deficit, that the ~~three~~^{third} mentioned tract would rent for enough in five years or less time to satisfy such deficit.

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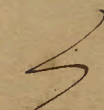
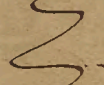

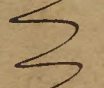
Wherefore, being without remedy save in a court of equity the prayer of your orator is that J.P.Reasor, ~~Wm. L. Ward~~, Nancy C. Ward, S.L.Wampler, W.W.James, W.E.Harris, C. Slamp, R.T.Irvine, administrator of J.B.F.Mills, deceased, and W.W. James, executor of Charles L. James, deceased, be made parties defendant to this bill and be required to answer the same, but not on oath; that on a hearing hereof Your Honor will decree that, unless the balance of the judgement sued on be paid within a reasonable time, a commissioner be appointed to expose to sale the lands hereinbefore mentioned in this bill in the order mentioned or so much thereof as may be necessary to satisfy the claim of your orator, together with the costs of this suit, and for such other, further and general relief as to equity may seem meet and the nature of its cause may require; and your orator will ever pray &c.

R. T. Irvine
R.T.

Plffs Costs
 C 16.06
 Tax 1.50
 Shff 6.50
 Atty 15.00
 Printer 10.00
 Misc Clk 1.00
 Sec Clk 3.60
 J.P. 2.25
 No 1.25
 CLK Corp 1.50
 Estimate 10.00
 \$68.66

758.62
 510.00
 4508.62

Insurance Natl Bank

V  original
 Bill
 in
 Chancery

J. P. Reason et al

1896 1st Oct rules bill filed
 & pa 2nd as to J.P. Reason
 S. L. Wampler & Chancery
 Ward & D. as to them
 " 2nd Oct rules D. & Confd
 + Cause set for hearing

Lee Circuit Court

Dominion Natl Bank.

^{vs}
Jno P. Reason et al

} In chancery

To the Honorable
W. T. Mills, Judge of said Court.

The Plaintiff, the
Dominion National Bank, files this
its amendment to its original bill,
for the purpose of bringing other par-
ties before the Court - It appears by
the answer of S. L. Wampler filed
herein that W. H. Wampler is the owner of
a note for \$1500⁰⁰ with interest from
July 27th 1891, and that a balance is
due on another like note of \$600⁰⁰
+ interest from - day of March 1896 to E. M.
Fulton, which notes were given as part
consideration by said S. L. Wampler to J. B. F.
Mills for the land sold by said Mills
to said Wampler + constitute a lien
thereon prior to the lien of your orator.
Your orator is also informed that there is
a balance due from Nancy C. Ward to Wm
Flora in the purchase by her of the said
acres tract in Centerville - Wherefore your
orator prays that E. M. Fulton, W. H. Wampler
plus Wm Flora be made parties defen-
dant hereto + required to answer, but
not under oath, + that such dispo-
sition of the interests involved of said
new defendants may be made as is reasonable
in the premises - Your orator to B. T. Drayton
P. 42.

Dominion National Bank

✓ Amount
✓ to original
✓ bill making
✓ new parties
Jno P. Reasor clerk

Filed Nov the 10th 1896
A. B. Munsey Clerk

Lee Circuit Court.

Dominion National Bank)
)
 vs.) In Chancery.
)
J.P. Reasor et al.)

Answer and cross bill of W.W. James, executor of Charles L. James, deceased.

To the Hon. W.T. Miller, Judge of the Circuit Court of Lee County:

Your respondent, W.W. James, executor of the estate of Charles L. James, deceased, who ~~has~~ sued in the Lee Circuit Court ~~together~~ with others in the above styled cause by the Dominion National Bank, answering the original bill herein, says it is true, as alleged in said original bill, that said Charles L. James departed this life on the day of 1894 leaving his last will and testament and naming your respondent as the executor therein to collect all debts due to his said estate, pay all debts due from it and administer said estate according to the terms of the said last will and testament, and that your respondent duly qualified as such administrator in the corporation ~~court~~ of the city of Bristol, Virginia, on the day of 1894 and is now and has been since then acting as such administrator. He says that all the allegations of the plaintiff's bill are true so far as he has any personal knowledge, and so far as he has ~~any~~ ^{no} personal knowledge he believes ~~that~~ ^{them} to be true. It is true as alleged in said bill that your respondent ~~as~~ executor for the said Charles L. James, deceased, made a payment on the judgement set out and sued on in the original bill in this cause of \$250.62-1/2 on the 7th day of November 1895. It is also true, as stated, that this

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judgement was obtained in the corporation court of the city of Bristol, Virginia on a note wherein the said J.B.F. Mills was principal and your respondent and his decedent, Charles L. James and others were sureties for the said Mills. The execution was issued on said judgement and placed in the hands of the sergeant of the city of Bristol, Virginia, and your respondent as executor was compelled to pay the above named sum of \$250.62-1/2, which was all the assets your respondent had at his hand which he could pay upon said debt.

This said sum was paid as a security debt, as the said debt was not in any sense an original or personal debt of the said Charles L. James, deceased, and no part of the sum so paid has ever been paid to your respondent as executor or otherwise by the said J.B.F. Mills or his administrator or any one for him but the same is wholly unpaid, just, due and payable to your respondent. Your respondent is advised that, having paid this debt, he is entitled, on behalf of the estate of his decedent, to be subrogated to the rights of the Dominion National Bank and to enforce the collection of said sum of money against the lands in Lee County upon which said original judgement was a lien, as is set forth fully in the plaintiff's original bill. Your respondent hereby refers to and adopts all the statements of said original bill and refers to and adopts the exhibits filed with said bill as fully and completely as if said original bill and exhibits were copied and set out at length herein, and prays that the same may be considered as a part hereof.

The prayer of your respondent is that this be treated as an answer in said original cause and as a cross bill against the complainant in said original cause and against his co-de-

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fendants in said original cause, J.P. Reasor, Nancy A. Ward, and ~~S.L.~~ S.L. Wampler; that process may issue upon said cross bill against said cross defendants and that they be required to answer the same; but answer under oath is waived; that upon the hearing hereof, Your Honor will decree that your respondent be subrogated to the rights of the original plaintiff, the Dominion National Bank, to the extent of the payment made by ~~it~~^{him} as above set out; to-wit \$250.62-1/2, with interest from November 7th 1895; and that said claim be enforced against the real estate mentioned in said original bill as a lien thereon second only to the lien of said plaintiff for the remainder of its debt; that all proper processes may issue; and such other, further, and general relief be granted your respondent and cross complainant as the nature of his cause may require and to equity may seem meet; and your respondent will ever pray &c.

R. T. Irvine
P. T.

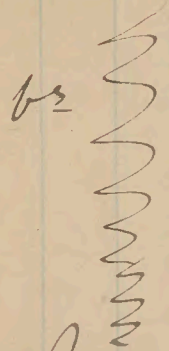
Lee Circuit Court

Dominion Natl Bank } on cross-bill
vs } of W.W. James
Jno P. Reaser et al } et al -

To the Hon W. J. Miller, Judge of
the Circuit Court of Lee County:

Your cross-
complainant, W.W. James, Esq. files
this his amendment to his cross-bill for the
purpose of making new parties. It ap-
pears from the answer filed herein
of S. L. Waupler that E. M. Fulton &
W. H. Waupler are necessary parties
hereto, & your cross-comp. is also in-
formed that Wm Flora is interested
in the ~~six~~ acre tract in controversy.
The reasons for this amendment &
the necessity for said new parties
is more fully set out in an amend-
ment to the plaintiffs original bill
which has been filed herein, to which
Cross-Comp. has read & hereby refers
to & adopts as a part of this amend-
ment. Wherefore Cross-Comp. prays
that E. M. Fulton, W. H. Waupler &
Wm Flora be made parties Defen-
dant hereto & be required to answer
but not on oath, & that such dis-
position be made of their rights as a
final adjudication of this cause
as may be right & equitable. & your
Cross-Comp. will ever pray &c. - H. J. Loring
for Cross-Comp.

Dominion Natl Bank

62  Amendment
to Cross-bill
of W. W. James
Ex 2 meeting with
Kurtis

Geo P. Reaser clerk

Filed Nov 10th 1896
A B Munsey Clerk

To the Hon. W. J. Miller
Judge of the Circuit Court of
Lee County Va.

The demurrer
and separate answer of
John P. Reaser to a Bill filed
in this Hon. Court against
him & others by the Dominion State
Bank

Respondent says the plffs
Bill is not good and
sufficient in law and of
this he prays judgement of
the Court &c.

But further Ans-
wering he says, he is informed
and therefore charges that long
before the filing of the plffs
bill the supposed judgement
had been fully paid, dis-
charged and settled, and the
plff had had complete &
full satisfaction thereof - and
the filing of this bill is and
was an effort on the part
of the securities of said Mills
to have collection made
thereof for their benefit

and not for the benefit of the plff. And this respondent is advised that the plff has no cause of action against this respondent and can not proceed to collection in this way.

Respondent does not admit the land set out in the plffs bill to be correctly set forth as to time & manner of sale but requires proof thereof as to each date and sale. Respondent admits that the supposed judgment was docketed before the recording of respondent's deed, but while that is a fact, the plff and its securities each and every one of them had actual knowledge that this respondent had purchased & paid for said land and had a deed for it, and was in the possession thereof under said deed. And respondent is advised that such

Knowledge on the part of the
plff is equivalent to record-
ing so far as it is concerned
since recording is only
notice, actual notice of
the fact is quite as strong
as recording - In any event
therefore this respondent as
he is advised has superior
legal & equitable title to said
land so sold to him as
mentioned in the plffs bill,
to the plff or any one
else - on this claim, and
having purchased & fully paid
for the same he denies the
plffs right to enforce his
supposed judgment lien
against the same, or to sell
or in any other wise sub-
ject the same. And having
now fully answered he
prays to be dismissed with
his costs.

Prudhomme & Sewell
for John P. Reason

John O. Reaser

Adm. Answer

Domestic Natl. Bank

Filed in open Court and
by leave thereof Nov
the 10th 1896
A. B. Munnay Clerk

The plaintiff & Cross-complainant
admit to so much of the foregoing
answer as alleges that plaintiff, or
cross-complainant, or any or all the securities
in the note mentioned had actual knowl-
edge of the sale of the land mentioned by
Mills to respondent as irrelevant & im-
material - R. T. Irvine - p. 9.
Nov 10th 1896 -

To the Honorable W.T. Miller judge of the Circuit Court of Lee County:

The separate answer and demurrer of S.L. Wampler, to a bill exhibited against him and others, in this Honorable Court, by the Dominion National Bank, of Bristol Virginia,

Respondent says said bill is not sufficient in law, to call upon him to answer in this Honorable Court, and he demurs to the same and prays judgement of his said demurrer &c.

And not waiving his said demurrer, but relying and insisting thereon, should other and further answer be required, answering he says: that he has no knowledge whatever of the judgement, which the said complainant claims to have obtained against the said J.B.F. Mills and others, mentioned in said bill, and he neither admits nor denies the rendition of said judgement, and he requires full and explicit proof thereof; he supposes it to be true, that the plaintiff did have, or that somebody had for it, what purports to be a judgement rendered, in the Corporation Court of the city of Bristol, against the said Mills and others, docketed in the lien docket of the Lee county court; that respondent has been informed and supposes that it true that on or about about the 7th day of November 1895 that W.W. James, Executor of Chas. L. James, deceased, paid on the plaintiff's debt from the said Mills the sum of \$250.62 1/2, but of this he has no certain information ~~and~~ and he requires full proof of the same, nor does respondent know whether the sum paid by the said W.W. James, as executor, if he paid any thing, was paid on a judgment or a note, and of this he requires proof

Your respondent has been informed and he alleges it to be true that if the complainant ever obtained the judgment set out in its bill, said judgment has been fully paid; that it was paid long before the institution of this suit, and as evidence of the fact that said supposed judgment has been fully paid, your respondent files herewith a s part hereof a copy of ~~the~~ an execution in favor of said ~~respondent~~ complainant against C. Sloop and others with the return of the sheriff thereon showing the full satisfaction thereof, together with the receipt of the complainant of full payment and satisfaction of said ~~jud~~ judgment.

Respondent admits that it true that at the date of the rendition of said judgment, if a judgment was rendered as set out by the plaintiff in its bill, that the said Mills was the apparent owner of the three tracts or parcels of land mentioned in said bill. Respondent has no personal knowledge of the sale to his co-respondents, Reasor and Nancy C.Ward, but it is true that he did purchase the tract of land described as number 3 mentioned in said bill; that the same was deeded to him by J.B.F.Mills on the 27th day of July 1891, and that said deed was not recorded until the 15th day of July 1895. It is further true that a lien was retained in this deed to secure certain sums of purchase money, at the date of said deed, remaining unpaid, but it is not true that these sums have all been fully paid, but on the contrary there is still due and unpaid one note for the sum of \$150.00 which was executed by your respondent to the said J.B.F.Mills as a part of the purchase price of said tract of land. This note, as your respondent is informed and believes, was, by the said J.B.F. Mills, sold and assigned to one W.H.Warpler, who now holds the same. This note with its interest is still due and unpaid. There was another note for \$150.00 also executed by your respondent to the said Mills as a part of the purchase price of said land which was sold and assigned by the said Mills to E.M.Fulton of Wise County, Virginia, and on this note there remains due and unpaid the sum of \$60.00 with interest from March 1896. These sums constitute liens upon said land, a lien therefor having been retained in said deed. And should the complainant succeed in showing that your respondent's land, purchased as aforesaid, is subject to the lien of said judgment, then your respondent prays that the sums aforesaid, still due and owing by him as a part of the purchase price of said land, be applied to the discharge of that amount of said judgment.

Your respondent admits that the plaintiff has correctly stated the law in reference to the manner in which said lands mentioned by it in its bill, should be subjected to the discharge of the lien of said judgment, if there is a lien by reason thereof; that is, that the lands sold to J.P.Reasor shall be first subjected, and if that proves insufficient, then that the lands sold to Wm.Floria and by him to Nancy C.Ward, shall next be subjected, and that if that proves insuffi-

then that the sum still due from respondent as part of the purchase price of said land be next applied. And should anything be left, ~~rep~~ respondent says that his said land will rent for enough to more than discharge the remainder of said debt in five years renting.

Your respondent will now show your honor that he is informed, believes and charges that said debt from the said Mills and the other parties therein mentioned to the complainant, whether it be a debt due by judgment or only by note, has been fully paid to the complainant, as herein before stated, and he is further advised, and therefore charges and asserts that this suit was not instituted and is not being prosecuted by the complainant for its own benefit, but that it is being prosecuted for the benefit of the securities therein and especially for the benefit of C.Slemp, and your respondent will here show your honor that the said C.Slemp has no right whatever to be substituted to the lien of the complainant's judgment, if it has a judgment, against your respondent's land because the said C.Slemp was the agent of the said J.B.F.Mills in the sale ~~and~~ of said tract of land to your respondent, he was present at the time of the conveyance thereof ~~of~~ and had full knowledge before he became the surety of the said Mills to the plaintiff on said note upon which said judgment was rendered, if one was rendered, and that, being the agent of the said Mills in said sale, he is along with the said Mills bound by the conveyance made by the said Mills which was long prior to the rendition and docketing of said supposed judgment.

Respondent prays that the said complainant be required to amend its bill ~~an~~ making the said E.M.Fulton and W.H.Wampler parties thereto so that all persons interested may be allowed to prosecute or defend their interests in the several matters involved.

And now having fully answered, respondent prays to be hence dismissed, and he further prays that this answer to said original bill be treated as an answer to a cross bill of W.W.James, Exr.&c.

Duncan & Ryan, P.C.

The plaintiff & Cross-Complainant is apt
to so much of the within answer as al-
leges a way for Mills in the part of C.
Slump in the sale of the land mentioned
and knowledge of said transaction by
said C. Slump. as irrelevant & immaterial

ent s v ith u u y t r e w b y c k n n d o v c x

Nov 10th - 1896 - R. J. Linn
p. 4.

D. L. Wampler

ads. 3 answer.

Douie Hall Bawle

Filed in open Court
+ by leave thereof
This the 5th day of
Novr. 1896

A. B. Munnery Clerk

To the Hon W. T. Miller
Judge of the Circuit Court of
Lee County Va.

The separate answer of John P. Reaser, to an amended Bill of W. W. James styling himself executor of the estate of Charles L. James deceased -

Respondent states that he has been informed and believes it to be true that the said W. W. James is not, the executor of the said James, but that M. J. James is such personal representative. He has also been informed that said James W. W. is the executor, on this information coming from equal & credible sources, he denies that allegation, of the Cross bill and calls for strict proof thereof. Respondent is in doubt as to the truth of this allegation, but it is a serious matter for him - as he is informed that W. W. James is totally insolvent and if he receives this sum

set out in the Cross bill &
 sought to be recovered -
 He therefore prays that the
 plff be said Cross bill be
 required to file Copies of
 his affidavit in support of his
 appointment as such repre-
 sentative - and now leaving
 answer he prays to be
 dismissed with his costs -

Prayers
 for Reason.

J. P. Weaver

also Cross
 bill -

W. W. James Esq.

Filed in open Court
 and by leave thereof
 March 10th 1897

A. B. Munsey Clk

Remission of the
 National Bank & the
 W. W. James, Esq. & the
 not removed, & the same
 the demands on the
 portion - 17.7 hours
 payable -

The ~~first~~ of this answer is ~~submitted~~ to the
 the Dominion National Bank, plaintiff in
 the mortgage bill by W. W. James, Esq. & the
 the Cross bill ~~is~~ ^{has been} ~~submitted~~ ^{submitted} ~~to the~~
 the court ~~has been~~ ^{has been} ~~submitted~~ ^{submitted} ~~to the~~
 and there having been ~~no~~ ^{no} ~~order~~ ^{order} ~~in~~ ⁱⁿ ~~March~~
 of 1897, then answer being ~~submitted~~ ^{submitted} ~~to the~~
 that the 1st day of March 1897 for the first time
 March 10th 1897

To the Honorable W. J. Miller Judge of
the Circuit-Court for Lee County, Virginia;
The deponent and answer of
E. M. Fulton to a bill of complaint
and amended bill exhibited against him
and others in said Court by The Dominion
National Bank, and also to the Cross-
bill and amended bill of W. M. James Executor
against him and others ~~in said Court~~
Respondent says that said original
bill and cross-bill are not sufficient
in law, and prays judgment of this his
deponent thereto.

If further answer is required, respondent
says that he knows nothing of the
plaintiffs judgment sought to be
enforced in this suit, and asks
that so far as his rights are sought
to be affected by the same, that
strict proof thereof be required.
Respondent says further that he is the
holder for value ~~of one~~ of the notes executed
to J. B. F. Mills by S. L. Wampler for
and for a part of the purchase
money for the tract of land sold by the
said Mills to the said Wampler, and
now in controversy in this suit. Said note
is for the sum of \$150⁰⁰, is dated July
27th 1891, payable eighteen months
after date, bearing 6 per cent interest
from date, negotiable and payable
at the Appalochar Bank, Big Stone Gap.

Virginia, Said note is subject to the following Credits, \$75⁰⁰ paid April 21st, 1894, and \$50⁰⁰ April 28th, 1896, but respondent alleges the residue of said note and the interest thereon as aforesaid is ~~due~~ and unpaid. Said Credits are endorsed on said note. Said note is herewith filed marked "A," and prayed to be considered as part of this answer.

Respondent alleges that said note is negotiable, that he acquired it for value by endorsement from the said J. B. H. Mills long before its maturity, and before date of the plaintiffs judgment, or of the docketing of the same in Lee County Virginia, and without any notice or knowledge of the said S. L. Wampler, the maker thereof, to claim any equity or offset against said note, and your respondent is advised that no offset against this note can be pleaded in this cause.

Respondent says it is true as stated by the plaintiff in his amended bill that his said note is a prior lien to the plaintiffs on the said Wampler tract of land, and ~~that~~ respondent alleges that he has ~~the~~ original or purchase money lien to secure the payment of this note ~~same~~.

which the said J. B. L. Mills retained
in his deed to the said S. L. Wampler,
that he has priority to any
other debt sought to be collected
in this course. against the said
Wampler tract of land, and asks
that said lien be enforced
against said land, and so much
thereof as is necessary to pay
his said note be sold.

And now having answered as
fully as he is advised is necessary
prays to be hence dismissed
with his reasonable cost - in
this behalf expended.

B. H. Swallow atty
for Respondent

E. M. Fulton,
Adm^r { ~~James~~
 { ~~Wm. H. Cross~~

Dominion State Bonds

Filed in open Court and
by leave thereof March
the 3rd, 1897

A. B. Munsey Clerk

APPALACHIAN BANK

BIG STONE GAP, VA.

\$ 150 ⁰⁰/₁₀₀

Big Stone Gap, Va. July 27 1891

Eighteen Months after date I promise

to pay to the order of J. B. F. Mills

One Hundred and Fifty Dollars.

with interest at 6 per cent. per annum after ~~maturity~~ ^{date} Negotiable and

payable at Appalachian Bank, Big Stone Gap, Va. We the maker and

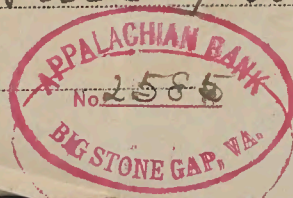
endorser of this note hereby waive all benefit of the homestead exemption

laws, and we also waive presentment, protest and notice of dishonor.

For the deferred payment
on a. w. Thomas bond

Due Date 27-30-93.

No.



S L Wampler

April 21 1894 \$75⁰⁰

& Apr 28. 1896 \$50. Receipt given

J. B. F. Miles
~~Handwritten signature~~

"H"

Lee Circuit Court.

The Dominion National Bank)	
)	
vs.)	In Chancery.
)	
J.P.Reasor et al.)	

The demurrer and answer of W.H.Wampler to the bill exhibited against him and others in the above styled cause in the circuit court of Lee County, and also to the cross-bill of W.W. James, Executor, against him and others in said cause.

For demurrer respondent says that said original bill and said cross-bill are not sufficient in law, whereof he prays judgement.

If further or other answer be required, respondent answering says it is true, as charged in said bill and cross-bill and amendments thereto, that respondent owns one of the purchase money notes executed to J.B.F.Mills by S.L.Wampler for the land in controversy in this branch of these causes, but respondent says that this note is a negotiable note and he acquired it on May 3rd 1892 from J.B.F.Mills without any notice or knowledge of any right of the said S.L.Wampler, the maker thereof, to claim any equity or offset against said note. Said note is for the sum of \$150.00, is dated July 2nd 1891, payable twenty four months after date, bearing interest from date, negotiable and payable at the Appalachian Bank, Big Stone Gap, Virginia, and your orator files a verbatim copy of said note herewith, marked "Exhibit A", and prays that it be treated as a part of this answer. It will be seen that your orator acquired said note long before it was due. No part of said note has ever been paid to your orator, but the whole thereof is still due and payable. Respondant is advised, therefore, that no offset against this note can be pleaded in these causes

-2-

and that he has the original or purchase money lien, which is first in order, or certainly second to no lien, unless perhaps for the small balance due to E.M. Fulton as co-respondant herein, and he prays that his interest in this cause will be guarded by the court as the law requires.

And now, having answered as fully as he is advised he should answer, respondant prays that he be hence dismissed with his costs in this behalf expended.

R. T. Irvine
for Respondent

Virginia, Wise County, to-wit:

I, *J. N. Jones Mayor of East Stone Gap* in and for the county aforesaid in the state of Virginia, certify that W.H. Wampler this day made oath before me in my county aforesaid that the statements made in the foregoing answer are true, so far as made from his own information, and, so far as made from information derived from others, he believes them to be true.

Given under my hand this the *4* day of December 1896.

J. N. Jones Mayor of East Stone Gap

\$150.⁰⁰/₁₀₀ Big Stone Gap Va. July 27th 1891
Twenty four months after date I
promise to pay to the order of J. B. Smith
One hundred & fifty ——— Dollars
with interest at 6 per cent. per annum
after date negotiable and payable at
Appalachian Bank, Big Stone Gap, Va.
We the maker and endorser of this note
here by waive all benefit of the homestead
exemption law and we also waive
presentment, protest and notice of
dishonor. Last deferred payment on
A. W. Harris land. This note was
executed for J. L. Wampler,
Va. Wise County Town of —

This day W. H. Wampler personally
appeared before me and made
oath that this is an exact copy

of the note he holds from
J.B. F. Mills signed over as
shown, below. This the 5th
day of Decr 1896

J. N. Jones Mayor
E. S. Gap.

Received from Mills,
Jan. 3rd 1898,

Dominion National Bank

vs

Jno P. Reaser et al -

This cause came
on this day to be heard upon the bill
and exhibits filed therewith, upon the
Cross-bill of W. W. James, Executor &c. Against
the said Dominion National Bank and
others, The demurrers and answers of
Jno P. Reaser and S. L. Wampler
to said original bill filed at the last
November term of this court, joined
in said demurrers and general appli-
cations to said answers, the amend-
ments to said original and cross bills
filed November 10th 1896, making
new parties, the answer of W. W. Wam-
pler filed at first Dec Rule 1896,
& exhibit with said answer, the demur-
& answer of E. M. Fulton filed by
leave of this court March 3rd 1897
& exhibit filed with said answer
and the ~~order entered herein~~ at the last
~~November term of this court~~

joined in said demurrer & general
application ^{the second or amended answer of J. P. Reaser, filed at May 1st 1897} to said answer, upon the
depositions of witnesses & exhibits filed
with said depositions, & the order enter-
ed herein at the last November term of

This court orders at rules maturing
this cause, upon exceptions endorsed
on the answers of said Reason
and S. L. Wampler, and exceptions
endorsed upon the depositions filed
herein Dec 30th 1886, and was argued
by counsel, and it appearing to the
court that this cause has regularly
matured & is properly on the docket
& that all parties defendant have
been properly served with notice
either by personal service of process
or by order of publication duly publish-
ed & posted, and that ^{the following} defendants to the original
bill, ~~still~~ to wit Nancy C. Wood, W. W. James,
W. E. Harris, C. Shump, R. T. Luine, admin-
istrator, and Wm Flora, still failing to ap-
pear to plead, answer or demur the bill
is taken for confessed as to them.

Whereupon it is adjudged ordered and
decree that the exceptions to the depositions
named be overruled, and that all
of said demurrers be overruled,
and that unless the administrator
of J. F. Mills, Decd, or some one
for him, shall within thirty days
from this date pay to the plaintiff,
the Dominion National Bank, the amount

of the judgment sued on, to wit \$500⁰⁰
with interest from Dec 11th 1892 and
\$13.13 costs of the common law suit,
subject to a credit of \$250.62 1/2 Cents
as of November 7th 1895-, and the costs
of this suit, ~~Then A. J. James, who~~
~~is hereby~~ and shall also pay to
the cross-complainant W. W. James,
Executor, the sum of \$250.62 1/2 with
interest from Nov. 7th 1895-, & the
costs of his said cross-suit, then
^{A. W. Huntington}
~~A. J. James~~, who is hereby appointed a
special commissioner for that pur-
pose shall proceed to expose to sale
at public auction to the highest bidder
(1) The tract of land sold by J. B. F. Mills
& wife to Geo P. Reesor and deeded
Feb 12th 1894 by deed a copy of which is
filed with the bill as "Ex 2", or enough
thereof to satisfy the above sums deemed
to be paid to the plaintiff & the
cross-complainant, and if said tract
should not sell for enough to satisfy
said sums, then.

(2) The tract of land sold & conveyed
by J. B. F. Mills & wife to Wm Flora by
deed dated Nov. 18th 1892, a copy of which
is filed with plaintiff's bill as "Ex 3",
or enough of said last named tract

to satisfy any balance in said sums
herein decreed for, and in the
event that a sale of both of said
tracts shall fail to satisfy the sums
herein decreed for, then ⁽³⁾ said commis-
sioner shall at the same time & place
offer for rent the tract of land
sold & conveyed by J.B. F. Mills wife
to S.L. Wampler by deed dated July
27th 1891, and a copy of which
is filed with the bill as "Ex 4", and
shall rent same to the highest bidder
on annual rental for a ~~sum~~ period
of years, not to exceed five, suffi-
cient to realize enough to satisfy the
balance of the sums herein decreed for,
but if he shall not be able to real-
ize enough by such renting to satisfy
such balance in full, then he shall
not rent at all, but shall report
the facts to ~~a~~ the court at a fu-
ture term, ~~and a sale of said~~
~~tract will be decreed.~~

The sale of the two tracts hereby required
to be sold shall be ~~as to each tract~~ upon the terms of
cash or ~~the third cash to be paid~~ ^{cash or payment sufficient to pay some of}
~~the third cash to be paid~~ ^{the balance of the} ~~the balance of the~~
~~the balance of the~~ ^{the balance of the} ~~the balance of the~~
~~the balance of the~~ ^{the balance of the} ~~the balance of the~~
one & two years from the day of sale

in equal instalments, the purchaser to execute his bonds payable to the commissioner, bearing interest from date, with approved personal security, the commissioner to retain the title until all the purchase money is paid as a further security.

If a rating of the third named tract be held it shall be on the terms of ^{equal} annual payments beginning with one year from date of rating and continuing during the period for which said property shall be rated under this decree, the party rating to execute his bonds payable to the commissioner with approved personal security and bearing interest from day of ~~sale~~ rating.

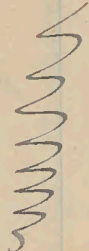
Such rental shall be subject to the prior & paramount lien in said land in favor of the defendants, W.H. Wampler & E.M. Fulton.

Before acting under this decree said commissioner shall execute bond before the clerk of this court, conditioned as the law directs in the penal sum of \$2000. & before selling, or rating he shall advertise the time, terms & place thereof by posting written or printed notices thereof at three

or more public places in Lee County, one of which shall be at the front door of the Court house & one other near each locality where the lands in question are situated for a period of at least four weeks prior to the day of sale & renting - Said sale & renting shall be at the front door of the Court house of Lee County on the first day of a term of the County Court & between the hours of 11 A.M. & 2 P.M. Said Commissioner shall report his actions hereunder to a future term of this Court & this cause is continued -

Memo - The ~~plaint~~ of defendant Jno P. Reesor, having suggested to the Court by counsel, that he is aggrieved by the foregoing decree and desires a suspension thereof for the purpose of applying for an appeal to the Supreme Court of Appeals of Virginia, it is ordered that the provisions of this decree be suspended for a period of 60 days from & after this day, upon the said Reesor, or some one for him, executing bond before the clerk of this Court, conditioned as the law directs in the sum of \$100.00

Dominion Natl Bank

W.  Deane for
sale

Geo P. Pearson et al

Co. B p 387-8-9+90

Enter this

W. J. M.

~~W. J. M.~~ June 9 1887

Dominion Natl Bank

vs

J. P. Reaser et al

} & Chancery

W. W. James Executor -

vs

Same -

} in Cross-bill

} in above Cause -

In this cause on the original bill & Cross-bill of W. W. James Executor, this day came John P. Reaser & filed his demurrer & answer by leave of court, and by the same leave S. L. Waupler filed his demurrer & answer herein on Nov. 5th of this term, and it appearing from the last named answer that E. M. Fulton, & W. H. Waupler are necessary parties to these proceedings, and it being suggested by the plaintiff herein that Wm Flora is a necessary party hereto, upon motion of the plaintiff in the original bill & the plaintiff in the Cross-bill it is ordered that this cause be remanded to rules in order that said new parties may be brought before the court, & for such further proceedings there to be had as said plaintiffs in original & in said Cross-bill may be advised to take - and

Dominion Natl Bank

Dr
Geo R. Pearson dr

W. W. Jackson, Ex-cashier
Dr York
Same —

Entered in - City. O.P.D.
No. 4 p. 482.

Enter this dr

W. F. M.

Nov 10 1896

thereupon E. W. Fuster entered his
appearance in person to said
original & cross-bill & waived
the service of process -

The depositions of J.A.Stone and others, taken before me, G.E.Davis, a Notary Public in and for the City of Bristol, Va., at the law office of Rhea & Peters, attorneys, in said City on December 21, 1896, between the hours of 6 A.M. and 6 P.M. to be read as evidence in behalf of the plaintiff in a certain cause now pending in the Circuit Court of Lee County, Va., wherein the Dominion National Bank is plaintiff and J.T.Reasor and others are defendants and the cross-bill in said cause of W.W.James, Executor against the same, pursuant to notice hereto annexed.

Present:

R.T.Irvine, attorney for plaintiff and
cross-complainant.

Now witness appearing at this time, it is ordered that the further taking of these depositions be adjourned until Saturday, December 26, 1896, at the same place and between the same hours.

G.E. Davis N.P.

VIRGINIA:

City of Bristol, to-wit.

I, G.E.Davis, a Notary Public in and for the City aforesaid and State of Virginia, certify that the depositions in the foregoing case of the Dominion National Bank vs J.P.Reasor et al and of W.W.James, Executor vs same on cross-bill, now pending in the Circuit Court of Lee County, Va., were duly opened and adjourned by me at the time and place and for the purposes mentioned as is set forth in the foregoing caption and order of adjournment.

Given under my hand this the 21st. day of december 1896.

G.E. Davis N.P.

Fee of Notary for opening
and adjourning deposition,
1 hour, - - - - - - - - - -75c

Received payment of R.T.Irvine, Atty.,

G.E. Davis N.P.

Met pursuant to adjournment on Saturday, December 26, 1896, at the law office of Rhea & Peters in the City of Bristol, Va., between the hours of 6 A.M. and 6 P.M. and in the absence of G.E.Davis, Notary Public, before whom the taking of these depositions was begun and by whom the foregoing adjourning order was made, the further taking of these depositions is proceeded with before me, A.A.Hobson, a Justice of the Peace for the City of Bristol, and State of Virginia, pursuant to the notices hreto annexed.

Present:

R.T.Irvine, attorney for complainant and cross-complainant.

J.A.STONE, being first duly sworn, deposes as follows:

Q.1. Please state your name, age, residence and occupation.

A. James A. Stone; 27 years; Bristol, Va., Clerk of Corporation Court for the City of Bristol, Va.,

Q.2. Please state whether or not the records in your office show that a judgment was obtained in favor of the Dominion National Bank of Bristol, Va., against J.B.F.Mills and others, at the August term 1894, of the Corporation Court for the City of Bristol, Va., and if so, whether or not any executions have been issued on said judgment and if so, how many.

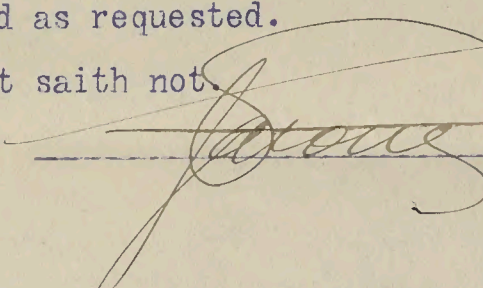
A. Yes sir. The records show that such a judgment was obtained at the August term 1894. The amount of same being \$500.00, with interest from the 11th., day of December 1892 and the costs. There has been two executions issued on this judgment.

Q.3. Please state whether or not you have made copies of these executions and the returns of the officer thereon and if so, please file same as a part of your deposition, marked

exhibit "executions" and "returns".

A. I have made such copies and herewith file them as a part of my deposition, marked as requested.

And further this deponent saith not.



W.W.JAMES, next witness of lawful age, being first duly sworn, deposes as follows:

Q.1. Please state your name, occupation, age and place of residence.

A. Bristol, Va., W.W.James; 87 years old; retired business man.

Q.2. Please state whether or not you are the executor of the estate of Chas. L. James, deceased.

A. I am the executor.

Q.3. Please state whether or not, as such executor, you made a payment out of the estate of Charles L. James on the judgment obtained by the Dominion National Bank vs J.B.F. Mills and others, at the August 1894 term of Corporation Court for the City of Bristol, Va., and if so, when you made said payment and the amount of it.

A. I did make a payment out of the estate of Chas. L. James on said judgment; the amount of it was \$250.00 and some cents, as I remember it. I suppose you have it right on the paper. I cannot distinctly remember the time, but I suppose the credit appears properly.

Q.4. The execution shows that this payment was made Nov. 7, 1895; can you state whether or not that it is correct.

A. I suppose it is.

The deposition

H. W. James is ~~deposed~~ to be ~~James J. B. #~~
Miles is dead, and S. L. Wamsler is usually
incompetent to testify

Amicus for Deft.
S. L. Wamsler

Q.5. Please state whether or not you are the cross-complainant as executor in this suit?

A. I suppose I am.

Q.6. Please state whether or not any other payment than that above mentioned has been made on account of this judgment, either by you individually or as executor of the estate of Chas.L.James, deceased.

A. None.

And further this deponent saith not.

W. H. James

Also the deposition of C.Slemp, being first duly sworn, deposes as follows:

Q.1. State your name, age, occupation and place of residence.

A. C.Slemp; 57; Big Stone Gap, Va., Farmer.

Q.2. Are you one of the parties to this suit?

A. I am.

Q.3. State whether or not you own the judgment sued on in this cause or any interests therein.

A. I do not.

Q.4. State whether or not you made any payments on account of this judgment, if so, what?

A. I have made no payments except a small matter of costs to the Sheriff of Lee County. I think it was \$13 and some cents.

Q.5. State for whose benefit you made this payment.

A. For the benefit of the Bank.

Q.6. The defendant, S.L.Wampler, in his answer in this cause, alleges that this judgment was paid before the institution of this suit, and refers to an execution issued by the Bank against yourself and others. I hnd you a copy of one of the

executions issued in this cause, filed this day with the deposition of J.A.Stone, Dlerk, and will ask you to read the endorsements made on this execution by J.M.Weston, Sheriff of Lee Cp., and will ask you to state what arrangement you had with the Dominion National Bank, if any, concerning this matter.

A. An execution was sent out against us. I asked the Dominion Bank to proceed against the estate of J.B.F.Mills and they agreed to do it if I would give them additional security for the payment of this debt, which I did and paid the amount of cost that was then due on the execution. They thereupon raised the execution and proceeded against Mills' estate.

Q.7. ~~Did~~ defendant S.L.Wampler, in his answer, alleges that you were the agent of J.B.F.Mills, in selling him the tract of land referred to as now belonging to him in the bill and proceedings in this cause. Please state the facts in regard to that matter.

A. I was never any agent for Mr.Mills in the sale of that land nor any other. Both parties spoke to me about this trade but I was not the agent of either of them.

Q.8. At the time of the rendition or, docketing of the judgment sued on in this cause, state whether or not you had any knowledge as to whether or not the deed for the various pieces of lands referred to in the bill and proceedings of this cause, were filed for record in Lee County.

A. No sir, I had no knowledge of it. I didn't know that any trade had been made except the Wampler trade.

Q.9. Mr.J.P.Reasor, in his answer, alleges that you and the other sureties in this cause, knew that he had bought and paid for his land and had a deed for it at the time this judgment was rendered. Please state the facts with regard to that matter

The disposition of the Slump is
physically, for the same reason
Stated on the disposition of W. H. James
Turner for S. L. Mayfield

A. I had no knowledge of it. I did not know
anyone who had been in the county.
One of the things referred to in the bill and proceedings of this
proceedings as to whether or not the deed was the last of his
last was not to be taken into account, and whether or not the deed was
the last of the deed, to be taken into account, and whether or not the deed was
the last of the deed, to be taken into account, and whether or not the deed was
the last of the deed, to be taken into account, and whether or not the deed was

A. I had no knowledge of it. I did not know
anyone who had been in the county.

Proceedings in this matter. I have seen the deed in regard to
of the deed, to be taken into account, and whether or not the deed was
the last of the deed, to be taken into account, and whether or not the deed was
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A. I had no knowledge of it. I did not know
anyone who had been in the county.

proceedings in this matter. I have seen the deed in regard to
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the last of the deed, to be taken into account, and whether or not the deed was

did not -6-
A. I ~~did not~~ know anything about it.

And further this deponent saith not.

C. Slemp

Also the deposition of H.E.JONES, being first duly sworn, deposes as follows:

Q.1. State your name, age, residence and occupation.

A. Age 29; residence Bristol, Va., occupation, Cashier Dominion National Bank.

Q.2. Please state whether or not your Bank obtained judgment at the August term 1894, of the Corporation Court for the City of Bristol, Va., against J.B.F.Mills and others as is set forth in the bill and proceedings in this cause.

A. Yes sir.

Q.3. Please state whether or not the Bank is still the owner of this judgment?

A. It is.

Q.4. Please state what payments, if any, have been made by any of the sureties on this judgment.

A. On Nov.7, 1895, there was \$250.. paid by W.W.James, executor of Chas.L.James. No other payments by any of the sureties, have been made to us. C.Slemp paid, at the request of the Bank and for its benefit, \$13.13 on the costs in the case.

Q.5. Please state who was the principal in this note and who were the sureties.

A. J.B.F.Mills is the principal and W.W.James, Chas.L. James, C.Slemp and W.E.Harriess were the sureties.

Q.6. Please state what arrangement, if any, were made between your Bank and C.Slemp in regard to the collection of this

judgment.

A. The execution was sent to Lee County against C. Slemp and on request of C. Slemp we afterwards agreed to proceed against the estate of J.B.F. Mills provided the said Slemp would give us additional collateral security to secure the claim against him. We then ordered the execution to be returned by the sheriff of Lee County.

Q.7. Please state whether or not the judgment in this cause was obtained upon a note waiving homestead exemptions.

A. It was.

And further this deponent saith not.



Also the deposition of R.T. IRVINE, being first duly sworn, deposes as follows:

Q I wish to state that I am the administrator of the estate of J.B.F. Mills, deceased; that his estate is totally insolvent; that at the time of his death, the only real estate to which he had title was located in Wise County; that nearly all of this was encumbered by specific deeds of trust and most of it has since been foreclosed, none of it bringing the amount of specific mortgages against it; that the only real estate left to which he had title are some small undivided interests in lands which are worth but little; that at the April term 1894 of the Wise Circuit Court and the terms previous thereto, judgments for large amounts were obtained against the said Mills and docketed in the judgment lien docket of Wise Co., and that these encumbrances amount to many times more than the value of the real estate left by him in Wise County on which there were no specific mortgages at the time of his

This deposition of R. T. Irvine is objected
to because the witness only undertakes
to state conclusions of law, conclusions
of fact, &c. At all events the whole
testimony is only an opinion.

Bureau for Harper

death.

And further this deponent saith not.

R. T. Irvine

VIRINIA:

City of Bristol, to-wit:

I, A.A.Hobson, a Justice of the Peace
in and for the City aforesaid and State of Virginia, certify
that the foregoing depositions of J.A.Stone, W.W.James, C.Slemp,
H.E.Jones and R.T.Irvine were taken, subscribed and sworn to
before me at the time and place and for the purposes mentioned
in the caption and adjourning orders hereto annexed.

Given under my hand this the 26th., day of December 1896.

A. A. Hobson J.P.

Justice's fees for taking depositions,
3 hours at 75¢ per hour, - - - -\$2.25.

Paid by R.T.Irvine, Attorney.

A. A. Hobson J.P.

These depositions are excepted to by J. L.
Wampler because not taken pursuant to
notice and because of want of notice.
Duncan & Hyatt attys

NOTICE TO TAKE DEPOSITIONS.

J.P. Reason, Nancy C. Ward, S.L. Wampler, Wm. Flora, W.A. Norris,
To *W.W. James, C. Slump, R. T. Quinn; advs W.H. Wampler & Geo. Fulton -*

Take Notice, That we shall, on the *21st* day of *Dec -* 18*96*, at the office of
Rhea & Retter, attys — in the *City of Bristol Va -*

between the hours of 6, A. M. and 6, P. M. of that day, proceed to take the depositions of

J.A. Stone, clerk — and others, to be read as evidence in our behalf in a certain
cause now pending in the *Circuit* — Court of the *County of Lee -*
Va, — wherein you are *defts -*

and we are *plaintiffs* — and if from any cause the taking of the said depositions
be not commenced on that day, or, if commenced, be not concluded on that day, the taking of
the same will be adjourned and continued from day to day, or from time to time, at the same
place, and between the same hours, until the same shall be completed.

Respectfully yours, *Dominion National Bank*
W.W. James, Secy in Charge
by Counsel

Legal service of this note
is accepted for Saturday
Oct 26th 1896.

J. L. Warrington
Duncan H Hyatt
Albany

Albany

Legal service of this note
is accepted in
J. L. Warrington

NOTICE TO TAKE DEPOSITIONS.

To *J. P. Reason, Harvey C. Wood, S. L. Wampler, Wm. Flora, W. E. Harris, W. W. James, C. Sleep & R. J. Train adm^r W. W. Wampler & Co. Fulton*
Take Notice, That we shall, on the *21st* day of *Dec* - 189*6*, at the office of
Rhea & Peters, attys in the *city of Bristol. Va* -

between the hours of 6, A. M. and 6, P. M. of that day, proceed to take the depositions of

J. A. Stone, clerk — and others, to be read as evidence in our behalf in a certain
cause now pending in the *Circuit* — Court of the *County of Lee,*
Va — wherein you are *defts*

and we are *plaintiffs* — and if from any cause the taking of the said depositions
be not commenced on that day, or, if commenced, be not concluded on that day, the taking of
the same will be adjourned and continued from day to day, or from time to time, at the same
place, and between the same hours, until the same shall be completed.

Respectfully yours, *Dominion National Bank*
W. W. James, Ex^r in Cross-bill
by Counsel -

Virginia, Wise County, to wit:

I, A. L. Irving, a notary public in and for the county aforesaid in the state of Virginia, certify that J. J. Hall this day made oath before me in my county aforesaid that he did on the 11th day of December 1896 deliver a copy of the within notice to Nancy C. Ward in person; and going to the usual place of abode of John P. Reesor, and not finding said Reesor at his said usual place of abode, and said Reesor not having any wife at said usual place of abode, he delivered a copy for said Reesor to Elizabeth Reesor, his mother, at his said usual place of abode, the said Elizabeth Reesor being a member of said Reesor's family above the age of 16 years; and that he gave information of the purport of said notice to said Elizabeth Reesor,

Given under my hand this the 19th of December 1896 - A. L. Irving, Notary Public, Va.
Legal service of this notice is accepted by W. E. Norris, W. W. James, R. T. Irvine, adms W. H. Wampler & E. M. Fulton, Sec.
Dec 14-96 R. T. Irvine

Legal service of this notice is accepted
this Dec 19-1896 - C. Blompe

1897 March 4th.

The within depositions are excepted to for want of notice and because the notice is not reasonable & sufficient.

2 Because W. W. James is not a competent witness, to testify to the facts stated by him.

3 Because James a store undertaker, to speak as to what the records of a Court show.

4 Miles and Charles L. James being dead renders the defendant J. P. Reaser an incompetent witness - and W. W. James is an original party to the judgment & therefore incompetent.

Perdmore Devereux.

Dominion Natl Bank

of Depositions

John P Reaser et al

Received by mail in

good condition and

filed December 30th 1899

A. B. Munsey Clerk

NOTICE TO TAKE DEPOSITIONS.

To *J.P. Reason, Nancy C. Ward, S.S. Wampler, W.H. Wampler, E.M. Fulton, Wm. Elong, W.W. James, W.E. Harris, C. Slump, T.B. Irvin, Ant. Wm. James, Esq.*

Take Notice, That we shall, on the *18th* day of *May* 1897, at the ~~office of~~
residence of W.W. James in the city of *Bristol, Va.*

between the hours of 6, A. M. and 6, P. M. of that day, proceed to take the depositions of
Mrs. Mary J. James and others, to be read as evidence in our behalf in a certain
cause now pending in ~~the~~ *Chancery in the circuit* Court of the *county of Lee*
State of Va - wherein you are *Defendants* -
and we are *plaintiffs & cross-compt* and if from any cause the taking of the said depositions
be not commenced on that day, or, if commenced, be not concluded on that day, the taking of
the same will be adjourned and continued from day to day, or from time to time, at the same
place, and between the same hours, until the same shall be completed.

Respectfully yours,

*Dominion National Bank &
W.W. James, Executor
By Counsel.*

Virginia - Wise County Court:

I A. L. Swine, a notary public in
and for the county aforesaid in the
state of Virginia, certify that W. M.
Slump this day made oath before me
in my county aforesaid that he
did on the 7th day of May 1897 de-
liver a copy of the within ~~summons~~
notice to Nancy C. Ward & J. P. Reesor
in person.

Given under my hand this 8th
day of May 1897. A. L. Swine, Not. Public, Wise Co. Va.

Legal notice of this notice is ac-
cepted by W. H. Wampler, E. M. Fulton,
W. W. James, W. E. Harris, C. Slump,
R. T. Swine, adm^r & W. W. James Ex²
by R. T. Swine
May 8th 1897 atty

NOTICE TO TAKE DEPOSITIONS.

To *J. R. Mason, Nancy C. Wood, A. L. Wampler, W. H. Wampler, E. M. Fulton, Wm. Long, W. W. James, W. H. Harris, S. Slump, R. D. Loomis, W. W. James, Jr.*
Take Notice, That we shall, on the *18th* day of *May*, 18*97*, at the office of residence of *W. W. James* in the city of *Bristol, Va.*

between the hours of 6, A. M. and 6, P. M. of that day, proceed to take the depositions of

Mrs. Mary J. James - and others, to be read as evidence in our behalf in a certain cause now pending in the *Chancery in the Circuit* Court of the *County of Br.* State of *Va.* wherein you are *defendants*

and we are *plaintiffs & cross-complets* - and if from any cause the taking of the said depositions be not commenced on that day, or, if commenced, be not concluded on that day, the taking of the same will be adjourned and continued from day to day, or from time to time, at the same place, and between the same hours, until the same shall be completed.

Respectfully yours, *Dominion National Bank & W. W. James, Executor.*
By *Cause* -

Mo

Executed May the 7. 1887 by delivering a true copy
of the within notice to the wife of S. L.
Wampler at the residence of S. L. Wampler in
the county of Lee and state of Va. and
explaining to her its purport she being a
member of the family of S. L. Wampler and
over the age of sixteen years the said
S. L. Wampler not being at his usual place
of abode

C. E. Flannery

Subscribed & sworn to before
me a Notary Public, this May 7/87.
O. C. Black Not. P.
For Lee Co. Va

THE DEPOSITION of Mrs. Mary J. James; taken before me,
a notary public in and for the city
of Bristol, state of Virginia, on the 18th day of May 1897, be-
tween the hours of 6 A.M. and 6 P.M., at the residence of W.W.
James in the city of Bristol, Va.; to be read as evidence in
behalf of the plaintiff and cross-complainant in a certain
cause in chancery now pending in the circuit court of Lee Coun-
ty, Va., wherein the Dominion National Bank is plaintiff and W.
W. James, Executor, is cross-complainant and J.P. Reasor and o-
thers are defendants and cross-defendants; pursuant to the no-
tices hereto annexed.

PRESENT

W. W. James.

Mrs. Mary J. James, being first duly sworn, deposes as
follows:-

Q. 1:- Please state your name, age, place of residence,
the name of your husband, and whether or not you are the mother
of Charles L. James, Deceased.

A:- *Mrs M J James - I am 47 yrs old -
my Residence in City of Bristol Va my husband name
is W W James - I am the mother of Charles L James
decd*

Q. 2:- Please state whether or not you have certified co-
pies from the records of the corporation court of the city of
Bristol, Va., of the last will and testament of Charles L. James,
deceased, and of the order of said court, entered August 5th
1895, ^{admitting} ~~deceding~~ an exemplified copy of said last will and test-
ament to probate in said court and granting letters of adminis-
tration to W.W. James, one of the executors of said will; and, if
you have said copies, please file them as exhibits with your
answer, marked respectively, "Exhibit No. 1" and "Exhibit No. 2".

-2-

A:- I have certified copies of the papers referred to and herewith file them as a part of my answer marked as requested.

Q. 3:- Please state whether or not you yourself have ever joined in the probate of said will and qualified as an executrix or trustee under said will in the state of Virginia.

A:- *I have not*

Q. 4:- Please state whether or not said W.W. James has always been, and is now, the sole executor under said will in the state of Virginia.

A:- *He is*

And further this deponent saith not.

Mrs Mary J James

Virginia, City of Bristol, to-wit:

I, *Robert Seay*, a notary public in and for the city aforesaid in the state of Virginia, certify that the foregoing deposition of Mrs. Mary J. James was taken, subscribed, and sworn to before me at the time and place and for the purposes mentioned in the caption hereto annexed.

Given under my hand this the 18th day of May 1897.

Robert Seay
Notary Public

FEE OF NOTARY:- \$ *50* ¢

Exhibit No. 2.

~~Deposition~~ of Mrs.
Mary J. James - and
Certified copy of order
admitting will of Chas
L. James deceased to
probate, attached -
duly filed with the
undersigned, Notary
Public for City of
Bristol, State of Virginia
at the time of her
making her deposition.
This 18th day of May
1897

Robert Seay
Notary Public

Received by mail in
good condition and filed
May 20th 1897

A. B. Munsey
Clerk

Dominion Natl. Bank Complt. } In
vs. } Behancay.

J. P. Reesor et al Defts. }

To the Hon. Wm. J. Miller, Judge of
Circuit Court for Lee County:

Your undersigned, who was on
the day of June, 1897 appointed
a special Commr. for the purpose,
was directed to see a suffi-
ciency of the lands in the bill
mentioned to pay certain debts
and if the lands sold for an
insufficient sum to pay said
debts and the costs of this
suit, to rent the farm of S. C.
Hampler for the least period
less five years to pay the resi-
due of such indebtedness,
begs leave to report. That after
advertising the time, terms and
place of sale & renting for
more than 30 days in the manner
required by the Court, on Monday
Sept. 20th 1897 (that day being a
Court day) at the front door of
the Court house of this County
about 1 o'clock P.M. he offer-
ed for sale the lands directed
to be sold and in the order di-

rected to be sold, at public
outcry to the highest and best
bidder, and after long crying
said sale, the tract of land
conveyed by J. B. H. Mills & wife
on Feb. 12th 1894 to J. P. Reason
was knocked off to S. L.
Hamplin for the sum of \$250⁰⁰
and the tract conveyed by said
Mills & wife to H. M. Flora on Nov.
18th 1892 was also knocked
off to said S. L. Hamplin for
the sum of \$60⁰⁰. Thus making
\$310⁰⁰, bid for both of said
tracts of land, - a sum insuff-
ficient to pay the debts in
said cause mentioned and the
costs of this suit; so therefore
your Court offered for rent
at the same time & place the
lands of S. L. Hamplin, convey-
ed to him by said Mills & wife
by deed dated July, 27th 1891;
and after crying the renting
of this land for some time,
the same was rented to said
S. L. Hamplin ^{for a period of five years}, who undertook
to pay the residue of said debts,

costs of this suit and commissions of sale. No one else would undertake to rent said land for a less period than five years and pay the residue of said debts &c after deducting therefrom said \$310⁰⁰.

Said Hamplur in settlement of his said purchases and renting said land, executed to your Court, his several bonds bearing interest from Sept. 20/97, with J. A. G. Hyatt as surety, as follows:

- (1) Two bonds due in one and two years respectively for \$21⁰⁰ each;
- (2) Two bonds due in one and two years respectively for \$87.82 each; and
- (3) Five bonds due in one, two, three, four and five years respectively, and for \$89.72 each.

These notes aggregate \$666²⁴, a sum sufficient to pay said debts. The costs as taxed by the Clerk was \$68.66 and the Commissions of sale \$23.69. Said Hamplur did not pay to your Court, any part of said costs or commissions; but says he will do so, before the next term of

Dominion Nat Bank

vs. Report of
Sale

J. P. Reardon et al.

Filed Sept. 21st 1897

A. B. Munnery
Clerk

Your favor is sent.
See which is successful
understand. This Sept 21st 1897
Ed. M. Manning Jr.

R. T. IRVINE,

Attorney at Law,

BIG STONE GAP, VA.

Dominion National Bank

vs

John P. Reasor et al.

#

In Chancery

#####

To the Honorable W. T. Miller,

Judge of the Circuit Court of Lee County Virginia.

The undersigned, your Special Commissioner
this day directed by decree of your Honor's Court in the above
styled cause to execute a deed with covenants of special war-
ranty acknowledged for recordation to S. L. Wampler the pur-
chaser of the two tracts of land in the bill and proceedings
mentioned, begs leave to report that he has executed said
deed in all respects as required by the said decree, and files
same herewith as an exhibit with this his report.

Respectfully submitted this 8th Day of November

1897.

E. W. Huntington
Spec. Commr

1897.

Respectfully submitted this

day of November

sams herewith as an exhibit with this her report.

given in all respects as required by the said decree, and files

mentioned, have leave to report that he has executed said

chance of the two facts of land in the bill and proceedings

and acknowledged for the purpose of the bill and proceedings

efforts to execute the same in accordance with the provisions of the

this bill and proceedings, and the same in accordance with the

honorable, a court in the above

judge of the court of Lee County Virginia.

John P. Reason et al.

vs

Dominion National Bank

as

In Chancery

Dominion Natl Bank

vs
Cmz Report
of
Dead

John P. Reason et al

Received + filed this
Nov 8th 1897
A B Mursey Clerk

Date of Judgment	By what Court & Venue	Time of Docketing	Judgment	Names and description of Parties Debt, Damages, Interest and costs	Lien Docket.	Amount and Date of Credits
1894 August Term	Corporation Court of City of Bristol	1894 Aug 30 th	The Dominion National Bank vs. J.B. F. Mills w. w. James. w. E. Harris. C. Slump & Charles L. James.	Judgment for \$500.00 with interest from the 11 th day of December 1892, until paid & costs \$11.97 Co c vs.		

A Correct copy from Judgment
 Lien No 4 page 70. Lee County.
 Given under my hand this March
 8th 1897. J. V. F. Richmond Clerk

A Copy-
 Teste: J. V. F. Richmond Clerk

Copy of Indg vs
J.B. Fr. Mills et al

Clerk D.C.

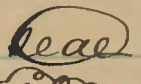
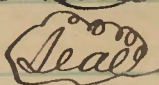
Dominion Natl Bank

Ex 1" - filed
vs with plaintiff's
original bill

J.P. Reesor et al

This deed made the 12th day of Feb 1894 by and
between J. B. H. Miles of Big Stone Gap wife
County Virginia, and Martha J. Mills his wife
of the first part, and John P. Parsons of Yorkum
Station Lee County Virginia of the second
part. witnessed that for and in considera-
tion of \$250.00 two hundred and fifty doll-
ars to be paid in twelve months from
January 30th 1894 for which second party
has executed his note to said J. B. H. Miles
to bear interest from date of note, the parties
of the first part bargain and sell convey
and release with covenants of general
warranty unto the party of the second part
all that tract or parcel of land lying in
Lee County Va on the south side of Stockers
Knob and adjoining the lands of Franklin
Willis, Harry Young, William Flora
Ira Baker and J. J. Kelly Sen. being the remain-
der of the tract of land ^{deeded} ~~deed~~ to J. B. H. Miles by
D. J. Parsons and wife except about fourteen
acres deeded to said Franklin Willis and
William Flora by said Miles and wife and
there is remaining of said lands deeded said
J. B. H. Miles by said Parsons and wife
about 60 acres which lands are sold
by the boundary and not by the acre, but of
the first measure that there are fifty acres
of said lands hereby conveyed by surface
measure or in case of deficit the grantors
to refund to the parties of the second part
at the rate of \$5.00 per acre for such deficit

to have and to hold in fee simple forever
Witness the following signatures and seals the
day and year first above written.

J. B. F. Mills 
Martha J. Mills 

County of Washington
State of Virginia at Test:

I, Benja Reed a Justice of the Peace
in and for the said County and State of
Virginia do hereby certify that J. B. F.
Mills & Martha J. Mills his wife whose
names are signed to the writing above
bearing date the 12th day of Feb 1894
personally appeared before me in my
County aforesaid and acknowledged
the same, Given under my hand this 12th
day of February 1894.

Benja Reed Jr.

Virginia Lee County to wit:

In the office of the Clerk of said County
the 7th day of October 1895, this deed was
presented and together with the Certificate
thereto annexed, admitted to record.

Test: S. V. F. Richmond Clerk.

A Copy-

Test: S. V. F. Richmond Clerk.

John P Reasor
Long Copy and
J. B. H. Mills *roya*
D B B 78

C 50 cts

Dominion Natl Bank

✓ 3 " 24 2"
✓ 3 filed with
✓ 3 plaintiffs
✓ 3 original bill
John P. Reasor *et al*

This deed made this November 18th 1892 by and
between J. B. F. Mills of Wise Co Va & March a
J. Mills his wife parties of the first part &
William Flora of Lee County Va party
of the second part, witnessed that for & in con-
sideration of one hundred dollars, ^{fifty dollars} cash in
hand paid by the party of the second part to
the party of the first part the receipt whereof
is hereby acknowledged & fifty dollars with
interest from Nov 5th 1892 till paid
for which sum said Flora has executed
this note to said Mills on order & payable
eight months from its date & for which deferred
payment a lien is retained on the land
herein after conveyed. And grant sell
convey unto the party of the second part,
the following tract or parcel of land lying
and being in Lee Co Va on South side
of Stockers Knob and adjoining the land
theretofore sold said party of the second
part by said parties of the first part &
bounded as follows to wit: Beginning
on a small Hickory at the west corner
of a barn, corner to said Flora thence
up the Hill Northwardly to a small
Locust near Draw Bars, Thence eastward-
ly crossing a branch & up the top of a spur
to a stake in Warms young line on top
of said ridge thence Southwardly down
the ridge & with said Youngs line to a cor-
ner of said Young & Mills land. Thence
westwardly with said Mills line

to a small Hickory another Corner of Said
Flora. Thence Around with the Said
Flora & Mills line to the Beginning Con-
taining Six acres be some more or less but
it is distinctly understood that the
land is sold by the boundary & not by
the acre to have and hold the same forever
with Covenants of General Warranty. wit-
ness following Signatures & seals this Nov-
ember 8th 1892.

J. B. F. Mills Seal
Martha J. Mills Seal

Washington Co Va To wit:

S. Benja Reed a Justice of the peace in
and for the County aforesaid and State of Virginia
do hereby Certify that J. B. F. Mills and
Martha J. Mills his wife whose names
are signed to the writing within bearing
date the 18th day of Nov 1892 personally
appeared before me and acknowledged the
same in my County aforesaid. Given under
my hand this 26 day of Nov 1892
Benja Reed JP

Virginia Rec County to wit:

In the Office of the Clerk of said County
the 17th day of Aug 1895. this and was pres-
ented and together with the Certificate thereof
annexed admitted to record.

Teste: S. V. F. Richmond Clerk

A Copy-

Teste: S. V. F. Richmond Clerk

Wm H. Lora

Long Copy of deed

J.B. F. Mills & wife
Deed Book No 31 page
564

Dominion Natl Bank

✓ 3 "Ex 3" filed
✓ 3 with Plaintiff
✓ 3 original bill

✓ 3 Pro R. Reason et al

C 50

Bristol, Tenn., July 20th, 1894.

The last will and testament of Charles L. James dec'd.

I the said Charles L. James being in feeble health and knowing that all men must die, and I beleiving in God and my Savior and being of sound mind do hereby make my last will and testament and I do give grant and bequeath to my dear wife Lena James for her seperate use and benefit during her natural lēfe or widow hoos the following real estate to-wit:-

The house and lot where we now live situated on Anderson Street together with all our household and kitchen furniture and all things pertaining thereto, my house and lot on 9th street, the house and lot on Rose and Gammon Streets, and also the leagl interest on three thousand dollars in cash payable to her semi-annually after my death, All conditioned as stated above viz:-during the said Lena James lifetime or widowhood. And the expiration thereof said property and effects thereof shall be vested in my mother Mary J. James as part of my estate.

And I do hereby further give grant and bequeath to my dear father W.W. James and mother Mary J. James as trustees all my remaining property and effects consisting of other real estate in the State of Virginia or elsewhere together with all my stocks bonds, notes &c., for the purpose of paying my debts and support and mantainance of my dear brother Samuel J. James during his natural life and should he die before my dear father and mother or either of them then the remainder

of my effects is to be retained by the said W.W. James & Martha J. James or the survivor if they need it and if not then to be used by them or either of them in erecting the main central building to be

known as the James & Sullins College in Bristol Virginia, and said sum so used in said building shall be added to the existing "James Aid Fund",if they desire to do so .

And I the said Charles L.James do hereby appoint my father W.W.James and my mother Mary J.James or either of them,with the faithful execution of this my last will and testament.No bond is to be required.

Witness my hand and seal,this day before written.

Chas.L.James (Seal.)

Witnesses .

P.M.Cody

H.H.Hedrick.

I further give to my wife Lena James the interst on one thousand dollars more to be paid the same way as the three thousand previously mentioned in this Bill.

Chas.L.James.

I also want her to have full authority in disposing of furniture &c., in any way she may like.

Chas.L.James

Proved in open Court by the oath of P.M.Cody & H.H.Hedrick subscribing witnesses to said last will and testament on the 29th day of January, 1895,and ordered to be recorded in the book of wills.This Jany,29,1895.

J.M.Fain,Clerk.

By.L.H.Denny D.C.

State of Tennessee Sullivan County,

Personally appeared before L.H.Denny Deputy Clerk of the County Court of said County H.H.Hedrick and W.F.Brooks two disinterested witnesses and upon their oaths say that they were personally acquainted with Charles L.James deceased, that they were well acquainted with the hand writing of the said Charles L.James deceased, and that they verily beleive that the codicils to the foregoing last will and testament of the said Charles L.James is in his hand writing and that his signature to said codicils is genuine.

H.H.Hedrick.

W.P.Brooks,

Subscribed and sworn before me this the 29th day of January, 1895.

L.H.Denny.D.C.

Reproven in open by the oaths of H.H.Hedrick & P.M.Cody-subscribing witnesses to the foregoing last will and testament of Charles L.James deceased, on the 13th day of July, 1895, who deposed and said that the testator signed the said will in so far as it devised his real estate in their presence, who in his presence and in the presence of each other subscribed their names as witnesses thereto and thereupon the said writing is ordered to be recorded as and for the last will and testament of Charles L.James, deceased,

This the 13th day of July, 1895,

J.M.Fain, Clerk,

By L.H.Denny.D.C.

State of Tennessee Sullivan County.

I, L.H. Denny Deputy Clerk of the County Court of said County do hereby certify that the foregoing is a full true and perfect copy of the last will and testament and the codicils thereto of Charles L. James deceased, as appears on the original now on file in my office and proven in open Court by the subscribing witnesses on the 29th day of January, 1895, and recorded the book of wills pages 726 & 727.

Given under my hand and seal this the 15th day of July, 1895.

J. M. Fain, Clerk.

By L. H. Denny, Clerk.

(Seal of Court.)

At a Court begun and held for the City of Bristol, Va. the 5th day of August, 1895,

Present:- Hon. Wm. F. Rhea, Judge.

W. W. James this day produced in Court a writing purporting to be an exemplified copy of the last will and testament of C. L. James dec'd., said copy from the records of the County Court of Sullivan County Tennessee, representing that the testator, died seized and possessed of certain realty and personalty in the City of Bristol, Va., and moved the Court that the same be admitted to record, in manner and form as proved by law, and the Court having examined said paper and finding it to be truly and exemplified copy or transcript of the record as it purports to be, it is therefore ordered that said transcript together with the certificates thereto be admitted to record in this Court and thereupon W. W. James one of the executors and trustees named in

the last will and testament of C.L.James deceased, entered into and acknowledged a bond in the penalty of \$1000.00 without security as the will directs, certificate is granted him for obtaining probate of said will in due form, and liberty is reserved to the other executor named in the will to join in the probate when she shall see fit.

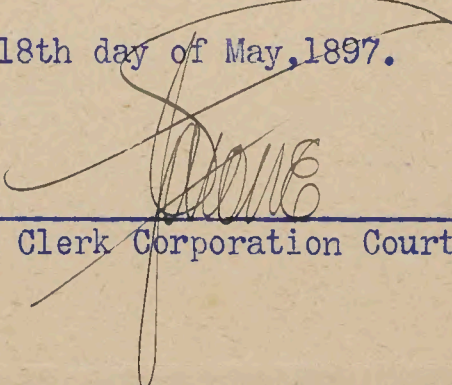
A Copy Teste:-

Isaac Sharrett.Clerk.

State of Virginia. }
 } to-wit
City of Bristol. }

I, James A. Stone, Clerk of the Corporation Court for the aforesaid City and State, do certify that the foregoing is a true copy of the last will and testament with codicils and certificates, as the same appears of record in my office of the said Court.

Given under my hand this the 18th day of May, 1897.



Clerk Corporation Court.

Exhibit No. 1.

Certified copy of
Will of Chas. L. James
deceased - duly filed
with the undersigned,
Notary Public for City
of Bristol, State of
Virginia, by Mrs. Mary
D. James - at the time
of making her deposition,
this 18th day of May
1897.

Robert Leary
Notary Public

Certs. fee \$1.50

paid by Mrs. Mary D. James

Filed May 20th 1897

A. B. Munsey Clerk

At a Court begun and held for the City of Bristol, Virginia the 5th day of August, 1895.

Present.

Hon .William F.Rhea, Judge.

W.W.James this day produced in Court a writing purporting to be an exemplified copy of the last will and testatment of C.L.James deceased said copy from the records of the County Court of Sullivan County Tennessee, representing that the testator died seized and possessed of certain realty and personalty in the City of Bristol, Va., and moved the Court that the same be admitted to record in manner and form as provided by law, and the Court having examied said paper and finding it to be truly an exemplified copy or transcript of the record as it purports to be,.

It is therefore ordered that said transcript together with the certificates thereto be admitted to record in this Court.

Thereupon W.W.James one of the executors and trustees named in the last will and testament of C.L.James, dec'd., entered into and acknowledged a bond in the penalty of \$1,000. without security as the will directs with condition according to law . Certificate is granted him for obtaining probate of said will in due form, and liberty is reserved to the other executor named in the will to join in the probate when she shall see fit.

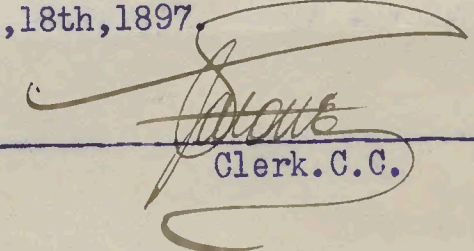
Staet of Virginia,

City of Bristol.

To-wit:-

In the Clerk's office of the Corporation Court of the City and State aforesaid, I, James A. Stone, Clerk, do hereby certify that the foregoing is a true copy as taken from the records of the said, Court.

Given under my hand this March, 18th, 1897.


Clerk. C.C.

Clerk for
50¢ pd

Given under my hand this March, 18th, 1897.

the said Court.
 City that the foregoing is a true copy as taken from the records of
 of the City and State aforesaid, I, James A. Stone, Clerk, do hereby cer-
 City of Bristol.
 State of Virginia,
 In the Clerk's office of the Corporation Court
 To-wit:-

she shall see fit.

to the other executor named in the will to join in the probate when
 for obtaining probate of said will in due form, and liberty is reserved
 rents with condition according to law. Certificate is granted him
 and a bond in the penalty of \$1,000 without security as the will di-
 last will and testament of C. L. James, dec'd., entered into and acknowl-
 Thereupon W. W. James one of the executors and trustees named in the

W. W. James et al
 To
 Letter of administration

Filed as "Exhibit 2"
 with Deposition of
 Mrs Mary J. James
 taken before me May
 18-1897 - in case
 of Dominion Nat'l Bank
 J. P. Reaver et al

U. P. Bristol Va
 Filed May 20th 1897
 A. B. Munsey Clerk

of August, 1895.

At a Court held and held for the City of Bristol, Virginia the 25th day

Hon. William F. Stone, Judge.
 Present.

Lee Circuit Court.

MEMO FOR LIS PENDENS:

Dominion National Bank

vs.

J.P.Reasor et al.

On the cross bill of W.W.James, executor of the estate of Charles L. James, deceased, vs. Dominion National Bank, a corporation organized and existing under the laws of the state of Virginia, J.P.Reasor, Nancy C. Ward and S.L.Wampler, cross defendants.

The object of the above styled suit now pending ~~xxxxxx~~ as a cross suit in the cause of the Dominion National Bank vs. J.P.Reasor et al. in the Lee Circuit Court is to have the cross complainant substituted to the benefit of the lien of the judgement of the original plaintiff to the amount of \$250.62-1/2 with interest from November 7th 1895 and costs, which amount the cross complainant paid to the plaintiff in the original bill on a judgement obtained by said plaintiff in the corporation court of the city of Bristol, Virginia, at the August term thereof 1894 against J.B.F.Mills, W.W.James, W.F.Harris, C. Slomp and Charles L. James for the sum of \$500.00 with interest thereon from December 11th 1892, which original judgement is docketed in Lee County J.L.D. 4, page 70, and to have the lien of said original judgement enforced to the extent named against three certain tracts of land in the county of Lee mentioned and set out in the original bill in said cause; which tracts of land are:-

-2-

First, a tract conveyed by J.B.F. Mills and wife to J.P. Reasor by deed dated February 12th 1894 and recorded in Lee County D.B. 32, page 118.

Second, a tract deeded by said Mills and wife to ~~said~~ Wm. Flora by deed dated November 18th 1892 and recorded in Lee County D.B. 31, page 564.

Third, a tract conveyed by said Mills and wife to S.L. Wampler by deed dated July 27th 1891 and recorded in Lee County D.B. 31, page 443.

The estates of all cross defendants are sought to be affected by decrees in this cross suit.

R.T. Irvine, P. Q.

Virginia, Lee County, to wit:
In the Office of the Clerk of the
County Court of said County, the
30th day of September 1896, this
List of Defendants was presented and
admitted to record.
Teste: S. J. F. Richmond Clerk

Dominion Rail Bank

vs Memo for
His Reverend
in
Cross-pier
of
W.W. James Esq

J.R. Reesor et al

Recorded in Deed
Book No. 33 p 178.

Ex

Clerk \$ 1.25

Filed for record Sept 30th
1896
J. H. F. Richmond Clerk

This deed made and entered into this
the 27th day of July 1891 by and between
J. B. H. Mills and Martha J. Mills his wife
both of Big Stone Gap, Wise County Virginia
parties of the first part and S. R. Wampler
of Wise County Virginia party of the second
part, witnesseth, That for and in consid-
eration of the sum of Twenty Six Thousand
(\$2600.00) Dollars paid and to be paid as
follows, to wit One thousand (\$1000.00)
Dollars paid Cash in hand and other
Valuable Consideration and One thousand
(\$1000.00) Dollars to be paid to Elijah Turner
for the two notes he holds on the hereinafter
described land assigned to him by D. T. D.
Wade and J. P. Blanton and the balance
to be paid in four equal installments in
six, twelve, eighteen and twenty four months
from the date of this instrument, with
interest from date and to secure the deferr-
ed payments a lien is hereby expressly
retained, the said notes to be paid Elijah
Turner to be paid on the 1st day of February
1892 Said Mills paying true interest on said
two notes up to that date to Said Turner.
And the other deferred payments are evidenced
by the notes of the said party of the second
part: The said parties of the first part
do hereby Grant bargain and sell and
convey unto the said party of the second
part a certain tract or parcel of land
lying and being in Lee County Virginia

and being the same land conveyed to J.B.
H. Mills by A.W. Harris by deed dated
the 21st day of January 1888 and recorded
in the Lee County Court Clerk's Office in
D.B. 23 Page 94 and bounded as fol-
lows to wit: Beginning at a chest-
nut in Sharpe's line on the south side
of the Lincolnton road corner to Brittain's
Potter's land and running thence N. 59
E 42 Poles to a stake corner to the said
Potter's land on said road; thence S. 19 E.
299 Poles with said Potter's line to a lo-
cust and two histories (now down).
thence N. 89 E. 137 Poles to two white
oaks and a dogwood; thence N. 32 1/2
W. 24 Poles to a Black oak, chestnut
or a dogwood; thence N. 39 E. 63 Poles
to a white oak on Laurel Branch;
thence N. 52 W 21 3/4 Poles to a chestnut;
thence N. 20 3/4 W 16 poles to a sugar tree
thence N. 27 3/4 W. 65 poles to a large wal-
nut; thence N. 26 W. 37 poles to a small
walnut and small chestnut; thence
N. 16 1/2 W 44 Poles to a walnut; thence
N. 18 W. 66 poles to a dead white oak,
(now down); thence N. 37 3/4 W 23 1/2 poles
to a sourwood; thence N. 73 1/2 W. 12 poles
to a small spotted oak bush; thence
S. 69 W 34 poles to a black oak bush;
thence N. 56 W 14 1/2 poles to an old black
stump; thence N. 41 1/2 W. 38 1/2 poles to
the corner of the fence near the stable

1 thence N $15\frac{1}{2}$ W $29\frac{1}{2}$ poles to a stake; thence
2 N. 43 W. 32 poles to a white oak on the
3 old road in the back line about 1 pole
4 from the stump corner in the said old
5 road and west of said stump; thence
6 S. 80 W. 22 poles to a stake in said road;
7 thence S. 49 W. 20 poles to a white oak
8 thence S. 61 W. 48 poles to a double white
9 oak on the Sharp line and with said
10 line S. $17\frac{1}{2}$ W. 7 poles to a bunch of
11 sourwood and black oaks in Sharpe's
12 corner; thence S. 4 E. 62 poles to the Be-
13 ginning. except the tract of land with-
14 in the said boundary heretofore sold by
15 deed previous to this date to one James
16 McKeeley containing one hundred and
17 thirty acres more or less for a des-
18 cription of which reference is hereby
19 made to the deed to the said McKeeley
20 of record in the Lee County Court Clerk's
21 Office, the whole of the said above bound-
22 ary containing three hundred and
23 forty eight acres more or less and
24 there is also excepted from the above a
25 one acre heretofore conveyed to the
26 School Trustees and for a more particu-
27 lar description reference is hereby made
28 to said deed. And the tract hereby
29 conveyed contains two hundred and
30 fourteen acres more or less. Also one
31 other tract of land adjoining the above
32 containing one acre and one-half and

1 being the same land conveyed to A. W. Harris
2 by Elijah Turner by deed lodged in the
3 Lee County Clerk's office. And the
4 said J. B. F. Mills and Martha J. Mills,
5 parties of the first part, do hereby cov-
6 enant with the said party of the sec-
7 ond part that they will warrant gen-
8 erally the property hereby conveyed.
9 that they have the right to convey the
10 said land to the grantee; that they have
11 done no act to encumber the said land
12 and that they will give the grantee quiet
13 possession of said land and furnish such
14 further assurance of said land as may
15 be requisite. Witness the following sig-
16 natures and seals.

17 J. B. F. Mills Seal

18 Martha Mills Seal

19 State of Virginia County of Wise, to wit
20 J. L. Berryman, a Notary Public for
21 the County aforesaid in the State of Virginia
22 do hereby certify that J. B. F. Mills and Mar-
23 tha J. Mills whose names are signed to
24 the writing above bearing date on the 27th
25 day of August 1891, have acknowledged
26 the same before me in the County afore-
27 said. Given under my hand this the
28 28th day of July 1891.

29 J. L. Berryman

30 N. P. W. C. Va

31 Virginia, Lee County, to wit

32 In the Office of the Clerk of said

County, the 15th day of July 1895, this
deed was presented and, together with
the certificate thereto annexed, admit-
ted to record.

Teste: - J. V. F. Richmond, Clerk

A Copy, Teste: J. V. F. Richmond Clerk

S. L. Waupler

From 3 Dec

J. B. Miller et al.

Dominion Nat'l Bank

3 "Oct 4" filed
vz 3 with plain-
3 tiffs original
3 bill

Mo P. Reason et al

@ \$1.10

1

The

Commonwealth of Virginia

To the Sherriff of Lee County Greeting:-

We command you ,That of the goods and chattles of

J.B.F.Millz,W.W. James ,W.E.Harris,C.Szemp,and Chas L.

James in your bailiwick,you cause to be made \$500.00

-Cr- Nov 7,95.By cash executor of Chas L.James\$250.62-1/2

Homestead exemptions waived,with interest at the rate of

six per centum per annum from the 11 day of December

1892 until paid,which the Dominion National Bank of

Bristol,Va,late in our Corporation Court of the City of

Bristol has recovered against the said J.B.F.Millz,

W.W. James,W.E.Harris C.Szemp & Chas L.James as well for

a debt as interest thereon: also Eleven dollars and
97 cents

,which the said,Dominion National Bank of

Bristol,Va.in the same Court were adjudged for their

costs by it about its suit in that behalf expended

whereof the said J.B.F.Millz,W.W. James,W.E.Harris,

C.Szemp,Chas L.James convict as appears to us of record,

And how you shall have executed this writ make known

at the rules to be holden in the Clerks office of our

said Corporation Court ,on the 1st Monday in April

1896,next.And have then there this writ.

Witness Isaac Sharrett,Clerk of our said Court,at the

court-house,the 5 day of March 1896,and in the 120

year of the Commonwealth.

ISAAC SHARRETT,Clerk

GREENE D.C."

The foregoing execution is endorsed as follows.

"Dominion National Bank of Bristol,Va.

FI. FA.

VS

IN DEBT.

J.B.F.MILLS & OTHERS

H.G.PETERS p.c.

(2.)

Came to hand March 9th 1896, at 10 o'clock AM,

W.P. Weston S.L.C. Sergeant.

To Apr -6-96 rules

Corporation Court.

March 24th 1896 Not Executed for want of time.

Wm. P. Weston S.L.C. "

The next execution issued in this cause is as follows.

" THE COMMONWEALTH OF VIRGINIA,

To the Sherrif of Lee County --Greeting:

We command you, That of the goods and chattles of
J.B.F. Mills, W.W. James, W.E. Harris, C. Szemp and Charles L.
James, in your bailiwick, you cause to be made \$500.00
CR- \$250.62-1/2, Nov .7. 1895, Paid by executor of Charles
L. James with interest at the rate of six percentum per
annum from the 11 day of December, 1892 until paid,
which the Dominion National Bank of Bristol, Va.
late in our Corporation Court of the City of Bristol
has recovered against the said J.B.F. Mills, W.W. James,
W.E. Harris, C. Szemp & Charles L. James as well as for
a debt as interest thereon: also Thirteen and 13 cents
which to the said The Dominion National Bank of
Bristol, Va. in the same Court were adjudged for its
costs by it about its ^{suit in that} behalf expended. whereof the said
J.B.F. Mills, W.W. James, W.E. Harris, C. Szemp, and Charles L.
James convict as appears to us of record.

And now you shall have executed this writ make known
at the rules to be holden in the clerk's office of our
said Corporation Court, on the 1st Monday in June 1896

next. And ^{have} then there this writ
Witness Isaac Sharrett Clerk of our said Corporation Court,
at the court-house the 27 day of March 1896, and in
the 120 year of the Commonwealth.

ISAAC SHARRETT, Clerk. GREEN D.C. "

#3.

And the foregoing execution bears the following endorsement.

// DOMINION NATIONAL BANK, BRISTOL, VA.

FI. F. A

VS.

IN DEBT.

J. B. F. MILLS & Others.

H. G. Petters, p. a.

Came to hand April the 2nd 1896, at 7 o'clock AM

Att. W. P. Weston, Sheriff Lee Co

To June 1-1896 Rules,

Corporation Court.

MEMO COST

Clerks cost-----7.13

Atty fee-----2.50

W. Tax-----1.00

Sergeants fee---2.50---

\$13.13

Executed May 12--1896 by levying on the following property as belonging to C. Slomp to satisfy the, within fi. fa. to wit: 1 Black mare mule one year old, 1 Black Horse Mule 1 year old, a lot of Corn in Crib estimated at 150 Bushels .1 Hay Bailer, 3 Houses of Baled Hay Estimated to be 300 Bales.

J. M. Weston D. S.

for W. P. Weston S. L. C.

After property above advertised the Plaintiffs made some settlement with C. Slomp, which settlement was in writing & presented to the undersigned with orders to hold up for the present, but no fees or Sheriffs costs have been paid the undersigned. This June 16th, 1896.

W. P. Weston S. L. C.

Returned by order of the Plaintiff by Rhea & Peters Attys

W. P. Weston Sheriff Lee Co."

Clerks fee \$1.00

DEC 26 1896

Rec'd Payment of RT from Atty

In full-

Sastoueee

Executions & Returns
in cause of

Dominion National Bank

vs

J.B. Mills et al

See Circuit Court
Dominion National Bank

J.B. Reesor et al
and Govt. of
W.W. James Esq & Son
Exhibit "Executions
& Returns" filed
Dec 26th 1846 with
the deposition of J.A.
Stone -

A.A. Hobson J.P.

VIRGINIA:—Clerk's Office of the County Court of the County of Lee Sct.
In the Confidential Court of the City of Bristol Va August Term, 1894

The Dominion National Bank Plaintiff
versus J. B. Smith, W. W. James, W. E. Harris,
C. Sleep & Charles L. James Defendant S' } Action of Debt

Judgment in favor of the Plaintiff against the Defendant S' for the sum of \$500.00

With interest at the rate of six per centum per annum, from 11th day
of December 1892. } \$

Subject to credit, viz.: } Charges of Protest, \$
And the Cost of suit, \$ 11.97

A FIERI FACIAS issued from the Clerk's office of said Court on the _____ day of _____ 189____
returnable to the _____ thereafter, directed to the _____ of the _____ of
_____ who hath made return thereon in the words and figures following, to-wit: _____

This Judgment was duly docketed in the Clerk's office of the
County Court of the County of Lee
on the 30th day of August 1894.
Judgment Docket No. 4 Page 70
A. V. F. Richmond Clerk.

Teste: A. V. F. Richmond Clerk.
_____ p. q.

The Dominion Natl Bank

vs.

ABSTRACT OF
JUDGMENT.

J B F Mills et al

Filed Oct the 6th 1896
A B Munney Clk
eto
Clerk 25

C 16.06	
1.57.	
S. 6.52	
Age 1.500	
Prints 10.00	
Mixed. 1.00	
Acid. 3.60	
f. R. 2.25	
1.25	
1.570	
10.00	
<u>168.66</u>	

V5.

S. L. Hargreaves
S. L. Hargreaves

S. L. Hanger 448.6

(2). If the land aforesaid does not sell for a sum sufficient to pay said sum of money, then also the tract of land which said Mills & wife sold and conveyed on Nov. 18th. 1892; or enough thereof to pay any residue; and

W. H. Pennington
Spec. Comm.

In the Clerk's Office of the Circuit Court of the County of Lee
on the 10th day of November 1896.

Commission National Bank

Plaintiff

against

Jno P Reaser et als

Defendant

In Chancery on
the Cross bill of
H W James & noc

The object of this ^{Cross bill} suit is to be subrogated to the rights of the plaintiff in the original bill to the amount of \$250,62½ with interest from Nov 7th 1895 and to enforce the lien of the plaintiff's judgment to the extent of said sum for the benefit of Cross Complainant on the land in the bill & proceedings mentioned including a six acre tract conveyed by J B F Mills & wife to Mrs Flora by deed dated Nov 18th 1892 & subsequently sold by said
And an affidavit having been made and filed that the defendant William T. Flora

is ^a not resident of the State of Virginia, it is ordered that he do appear here, within fifteen days after due publication hereof, and do what may be necessary to protect ^{his} their interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the South West Virginian, and that a copy be posted at the front door of the court-house of this County on the first day of the next term of the County Court.

A copy—Teste:

R T Irvine

p. q.

A B Munsey

Clerk.

affidavit sworn to by H W James & noc

Dominion Natl Bank

} Order of Publication

J. P. Reazor et al

R. T. Irvine P. W

I, A. B. Munsey Clerk
of the Circuit Court, for Lee
County, do hereby certify
that I posted a copy of the
within order of Publication
at the front door of the
Court House of Lee County
Va at the next term of
of the County Court as the
law directs. Given under
my hand this the 16th day
of Novr 1896
A. B. Munsey Clerk

In the Clerk's Office of the Circuit Court of the County of Lee
on the 10th day of November 1896.

Dominion National Bank

Plaintiff

against

In Chancery

J. P. Reaser et al

Defendant S.

The object of this suit is to enforce a judgment lien of \$500.00 with interest from December the 11th 1892. Subject to a credit of \$250.62 1/2 as of Nov. 7th 1895 obtained by the plaintiff against J. B. F. Mills in his lifetime & others in the Corporation Court of Bristol Va. and docketed in Lee Co. J. C. 4. Page 70. and to subject to the lien of said judgment the lands in the bill & proceedings mentioned including a tract of 6 acres more or less conveyed by J. B. F. Mills wife to William Flora by deed. And an affidavit having been made and filed that the defendant William Flora

is ^a not resident of the State of Virginia, it is ordered that he do appear here, within Fifteen days after due publication hereof, and do what may be necessary to protect their interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the South West Virginian, and that a copy be posted at the front door of the court-house of this County on the first day of the next term of the County Court.

A copy—Teste:

R. L. Irvine

p. q.

S. B. Munsey

Clerk.

Filed & served 18th 1896 and docketed by S. B. F. Mills wife to William Flora by deed

Dominion Natl Bank
} Order of Publication
J. P. Reesor et al

R. T. Irvine P. Q.

I A. B. Munsey Clerk of
the Circuit Court for Lee County
Va do hereby Certify that
a posted copy of the writ
in order of publication at
the front door of the Court
house on the first day
of the term 1896
Given under my hand
this 16th day of Nov
1896 A. B. Munsey, Clerk

In the Clerk's Office of the Circuit Court of the County of
Lee

Dominion Natl Bank Plaintiff
against

In Chancery

J P Reesor et als Defendant &

This day R. T. Irvine personally appeared
before me A. B. Mursey Clerk of the said Court,
and being duly sworn, made oath that William Flora

defendant in the said suit is not a resident of the State of Virginia,

Given under my hand has Clerk of the said Court, this 10th day of November

1896

A. B. Mursey Clerk

Dominion Natl Bank

vs. }

AFFIDAVIT FOR ORDER
OF
PUBLICATION.

J P Reesor et al

R. L. Irvine p. q.

Filed Nov 10th 1896
A B Munsey Clerk

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

We Command you, That you summon *J P Reesor, Nancy C Ward, S L*
Wampler, W M James, W E Harris C A Slump, R F Irvine
administrators of the estate of J B F Mills deceased, and W M
James executor of Charles L James deceased

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held
for the said Court on the *1st* Monday in *October*, 189*6*, to answer a

bill in Chancery, exhibited against *them* in our said court by

The Dominion National Bank a corporation organized
and existing under the laws of the State of Virginia

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-
house, the *23rd* day of *September* 189*6*, and in the
12/*st* year of the Commonwealth.

A B Munsey Clerk.

The Dominion Natl Bank

SUPCENA.

vs. }

IN CHANCERY.

J. P. Reason et als

p. q.

To..... Rules.

CIRCUIT COURT.

Executed in part Oct 2nd 1876
by delivering an attested office
copy of the within summons to S. L.
Wampler and J. P. Reason in
Lee County Virginia further
Executed on within named
Nancy C. Ward on Oct 2nd 1876
in Lee County within the non
his wife being found at the said
Nancy C. Ward's usual place of
abode by delivering a true copy
thereof to Ruthy Ward a mem-
ber of the family of said Nancy
C. Ward over 16 years of age who
was found at the usual place of
abode of said Nancy C. Ward to
whom I gave information of
the purport of said summons
W. P. Weston S. L. C

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

We Command you, That you summon

Wm H Wampler & E M Fulton

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held

for the said Court on the *1st* Monday in *December*, 189*6*, to answer *on the*

Cross bill in Chancery, exhibited against *them* in our said court by
Wm James Executor in the Suit of Dominion National Bank vs J P Reaser et al

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-

house, the *10th* day of *November*, 189*6*, and in the

12 *1st* year of the Commonwealth.

A B Munsey Clerk.

50
150
150

W. H. James Esq.

SUPPENA.

vs.

IN CHANCERY.

J. P. Reesor et al

R. L. Irvine p. q.

To 1st Decr Rules.

CIRCUIT COURT.

Assented in W. H. Wampler
on Nov. 26-1846
by delivering a copy
hereof to Jane Wam-
pler, wife of said
W. H. Wampler at the
usual place of abode
of said W. H. Wampler
giving information of
its purport to her, that
said W. H. Wampler not
being found at his said
usual place of abode, due
notice being given of this
in due form of law.
J. H. Tucker, C. C. in N. B. Collier, D. C.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

We Command you, That you summon *J P Reesor, Nancy C Ward*
and S L Wampler

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held
for the said Court on the *1st* Monday in *October*, 189*6*, to answer a *Cross*
bill in Chancery, exhibited against *them* in our said court *wherein*
M James, executor of Charles L James, deceased is Cross Complainant
+ the Dominion National Bank, a Corporation organized and existing
under the laws of the State of Virginia J P Reesor Nancy C
Ward and S L Wampler are Cross defendants

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-
house, the *23rd* day of *September* 189*6*, and in the
12*th* year of the Commonwealth.

A B Munsey Clerk.

150
100
350
50

6.50

W. M. James Esq et al

SUPRENA.

vs.

IN CHANCERY.

J. P. Reeson et al

R. J. Irvine p. q.

To 1st Oct Rules.

CIRCUIT COURT.

Executed in part Oct 2nd
1896 by delivering an attested
office copy of the within
summons to S. L. Wampler and
J. P. Reeson further Executed
the within subpoena on within
named Nancy C. Ward
Oct 2nd 1896 in Lee County
neither he nor his wife being
found at the said Nancy C.
wards usual place of abode
by delivering a True copy of
hereof to Ruth Ward a
member of the family of said
Nancy C. Ward over 16 years
of age who was found at the
usual place of abode of Nancy C.
Ward to whom I gave information
of the purport of said summons
W. P. Weston S. L. C.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

We Command you, That you summon

Wm. H. Wampler & E. M. Fulton

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held
for the said Court on the *1st* Monday in *December*, 189*6*, to answer a
bill in Chancery, exhibited against *them* in our said court by
Dominion National Bank

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-
house, the *10th* day of *November*, 189*6*, and in the
12 *1st* year of the Commonwealth.

A. B. Munsey Clerk.

Dominion Natl Bank

SUPCENA.

vs. }

IN CHANCERY.

J P Reesor et al

R L Irvine p. q.

To 1st Dec Rules.

CIRCUIT COURT.

Accepted in W. H. Wampler
on Nov. 26-1896 in Wills county
by delivering a copy hereof
to Jane Wampler, wife of
said W. H. Wampler at the
usual place of abode of
of said W. H. Wampler, by
giving information of its
purport to her, the said
W. H. Wampler not being
found at his said usual
place of abode.
J. A. Miller D. W. E. by

N. B. Collier
J. S.

CERTIFICATE OF ORDER OF PUBLICATION.

WE, A. M. Goins and W. M. Davidson, editors of the SOUTHWEST VIRGINIAN, a weekly newspaper published at Jonesville, Lee county, Va., do hereby certify that the annexed notice was published in said paper once a week for four successive weeks, commencing on the

12th day of *Nov.* 189*6*.

A. M. Goins
W. M. Davidson } EDITORS.

Per Eads,

Printers Lee \$5-00

Virginia:

In the Clerk's Office of the Circuit Court of the County of Lee, on the 10th day of November 1896.

Dominion National Bank, Plaintiff.

Against

Thos. P. Reaser et als., Defendants.

In Chancery on the Cross Bill of W. W. James Ex. &c.

The object of this cross bill is to be subrogated to the rights of the plaintiff in the original bill to the amount of \$250.62½ with interest from Nov. 7th, 1895, and to enforce the lien of the plaintiff's judgment to the extent of said sum for the benefit of cross complainant on the land in the bill and proceedings mentioned including a six acre tract conveyed by J. B. F. Mills and wife to Wm. Flora by deed dated Nov. 18th, 1892 and subsequently sold by said Flora to Nancy C. Ward. And an affidavit having been made and filed that the defendant William Flora is not a resident of the State of Virginia, it is ordered that he do appear here, within fifteen days after due publication hereof, and do what may be necessary to protect his interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in THE SOUTHWEST VIRGINIAN, and that a copy be posted at the front door of the court house of this county on the first day of the next term of the County Court.

A copy—Teste: .

A. B. MUNSEY, Clerk.

R. T. Irvine, p. q.

nov12/4

Dominion Natl Bank

Order of Publication

J P Reesor et al

ORDER OF PUBLICATION

That J. P. Reesor and H. H. ...
lasted ... of the ...
... a weekly news-
paper published at ...
... the ...
... that the ...
... in said paper
... week for four successive
weeks, commencing on the

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